



**ZONING CODE
CHAPTER 66
OF THE
MUNICIPAL CODE
OF THE
VILLAGE OF
SISTER BAY, WISCONSIN**

Last Revised:
November 17, 2016
See Page 166 for summary of changes.

VILLAGE OF SISTER BAY ZONING CODE

VILLAGE OF SISTER BAY ZONING CODE

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SEC. 66.0101 AUTHORITY

SEC. 66.0108 ADOPTION

SECTION 100 - STATUTORY AUTHORITY AND PURPOSE

Sec. 66.0101 Authority

These regulations are adopted under the authority granted by sections 61.35, 62.23(7), 62.231 and 87.30 of the Wisconsin Statutes. Therefore, the Village Board of the Village of Sister Bay, Wisconsin does ordain as follows:

Sec. 66.0102 Purpose

The purpose of this chapter is to promote the health, safety, aesthetics and general welfare of this community.

Sec. 66.0103 Intent

It is the general intent of this chapter to regulate and restrict the use of all structures, lands, and waters; and to:

- (a) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- (b) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services and utilities;
- (c) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of the streets, highways and waterways;
- (d) Secure safety from fire, flooding, panic, pollution, contamination and other dangers;
- (e) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (f) Provide adequate light and air, including access to sunlight for solar collectors;
- (g) Assure the protection of groundwater;
- (h) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (i) Stabilize and protect existing property values;
- (j) Further the appropriate use of land and conservation of natural resources;
- (k) Preserve and promote the beauty of the community;
- (l) Implement those municipal, county, watershed, and regional comprehensive plans or plan components adopted by the Village of Sister Bay;
- (m) Provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Sec. 66.0104 Abrogation and Greater Restrictions

It is not intended by the provisions of this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. Except as otherwise provided in this chapter, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

Sec. 66.0105 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 66.0106 Severability

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Sec. 66.0107 Title

This chapter shall be known as, referred to or cited as the "Zoning Chapter of the Municipal Code of Ordinances (Zoning Code), Village of Sister Bay, Door County, Wisconsin."

Sec. 66.0108 Adoption

This code was adopted as Ordinance No. 102-110904 on November 9, 2004 and was effective upon publication on November 16, 2004.

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SEC. 66.0108 ADOPTION

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0201 JURISDICTION

SEC. 66.0204 ANNEXATION

SECTION 200 - JURISDICTION

1 **Sec. 66.0201 Jurisdiction**

2 The jurisdiction of this chapter shall include all
3 lands and waters within the corporate limits of the
4 Village of Sister Bay.

5 **Sec. 66.0202 Compliance**

6 The use of any land or water; the size, shape and
7 placement of lots; the use, size, type and location
8 of structures on lots; the filling and grading of any
9 land; the cutting of shore land cover; the regula-
10 tion of signs, manufactured homes, trailers and
11 parking lots; the consolidation or splitting of par-
12 cels; and the subdivision of lots shall be in full
13 compliance with the terms of this chapter and
14 other applicable regulations. The construction of
15 buildings and structures, or any addition thereto,
16 and the changing of any land use shall require a
17 zoning permit unless otherwise expressly exclud-
18 ed from the requirement of this chapter. No struc-
19 ture, land, or water shall hereafter be used or de-
20 veloped (as "development" is defined in section
21 66.2100 [See page 172] of this chapter) and no
22 structure or part thereof shall hereafter be located,
23 erected, moved, reconstructed, extended, en-
24 larged, converted, or structurally altered except in
25 conformity with the regulations herein specified
26 for the district in which it is located; except that in
27 residence districts, a lot of record as of November
28 16, 1973 even though not meeting the require-
29 ments of this chapter as to area and width, may be
30 used for single family residence purposes.

31 **Sec. 66.0203 Municipalities and State Agen-** 32 **cies Regulated**

33 Unless specifically exempted by law all cities, vil-
34 lages, towns, counties, school districts, vocational
35 school districts and other public entities are re-
36 quired to comply with this chapter and obtain all
37 required permits. State agencies are required to
38 comply if section 13.48(13) of the Wisconsin
39 Statutes applies. The construction, reconstruction,
40 maintenance and repair of state highways and
41 bridges by the Wisconsin Department of Trans-
42 portation are exempt from compliance when Sec-
43 tion 30.12(4)(a) of the Wisconsin Statutes applies,
44 including subsequent amendments to those rules..

45 **Sec. 66.0204 Annexation**

46 All territory annexed by the Village shall become
47 part of the CS-1 district until definite boundaries
48 and regulations are recommended by the Plan
49 Commission and adopted by the Village Board,
50 such adoption to be completed within 90 days of
51 the annexation.

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SEC. 66.0204 ANNEXATION

SEC. 66.0204 ANNEXATION

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0300 ESTABLISHMENT

SEC. 66.0302 USE RESTRICTIONS

SECTION 300 DISTRICTS

Sec. 66.0300 Establishment

For the purpose of this chapter, the Village of Sister Bay is hereby divided into ten basic use districts and four overlay districts as follows:

- Countryside (CS-1)
- Single-Family Residence District (R-1)
- Multiple-Family Residence District (R-2)
- Large Lot Residence District (R-3)
- Small Lot Residence District (R-4)
- General Business District (B-1)
- Downtown Business Transition District (B-2)
- Downtown Business District (B-3)
- Institutional District (I-1)
- Park/Recreation District (P-1)
- Wetland Overlay District (W-1)
- Planned Unit Development Overlay District (PUD)
- Highway 42 and Highway 57 Landscape Setback Overlay District (HL)
- Bluff Protection Overlay District (BP)
- Wellhead Protection Overlay District (WHP)
- Ridges and Swales Overlay District (RS-1)
- Restaurant Overlay District (RO-1)

(a) Boundaries. Boundaries of these districts are hereby established as shown on the maps entitled "Village of Sister Bay Official Zoning Map" which map accompanies and is herein made a part of this chapter. All notations and references shown on the map are as much a part of this chapter as though specifically described herein. This chapter hereby incorporates herein any future changes or any later zoning maps that may be adopted by ordinance of the Village Board.

(b) The district boundaries in all districts, except the overlay districts shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys and easements. Where the district boundary is parallel to corporate limits, the centerline or right-of-way of a street, the district boundary shall be determined by the dimension noted on the zoning map, or where said dimension is not noted, by the scale contained on the zoning map.

(c) Boundaries of the Wetland Overlay District (W-1) are based on the Wisconsin Wetland Inventory Maps for the Village, dated July 1, 1992 or the most current map. The wetlands included as W-1 are those wetlands that are two or more acres in area; and are located within 300 feet of a navigable river, within 1,000 feet of a lake, or within the 100-year recurrence interval floodplain. These boundaries are for illustrative purposes only. The actual boundaries shall be those established by a field staking of the particular wetland, followed by a survey and legal description of the wetland.

(d) Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting property to which the vacated land reverts.

(e) Annexations subsequent to the effective date of this chapter shall be placed in the Countryside district (CS-1), unless the annexation chapter temporarily places the land in another district. Within one year, the Plan Commission shall evaluate and recommend a permanent classification to the Village Board.

(f) Annexations containing shorelands shall be governed in the following manner:

Pursuant to section 59.971(7) of the Wisconsin Statutes, any annexation of land after May 7, 1982, which lies within shorelands, as defined herein, shall be governed by the provisions of the Door County Zoning Ordinance until such time that the Village adopts an Ordinance that is at least as restrictive as the Door County Zoning Ordinance. Said regulations shall be administered and enforced by the Village of Sister Bay Zoning Administrator.

Sec. 66.0301 Zoning Map

A certified copy of the Zoning Maps shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the Village President and the Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk. Changes thereafter, to the general zoning districts, shall not become effective until entered and attested on the certified copy.

Sec. 66.0302 Use Restrictions

The following use restrictions and regulations shall apply:

(a) Principal uses. Only those principal uses specified for a district, their essential ser-

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SEC. 66.0303 SITE AND LOT RESTRICTIONS

SEC. 66.0303 SITE AND LOT RESTRICTIONS

vices, and the following uses shall be permitted in that district.

(b) Accessory uses. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry, except home occupations and professional home offices as defined in this chapter.

(c) Conditional uses and their accessory uses require review, public hearing and approval by the Plan Commission in accordance with section 66.1535 [See page 156] of this chapter.

(d) Temporary uses may be permitted by the Zoning Administrator and the President for a period of 14 days or as hereinafter provided. Temporary use permits for longer periods may be issued by the Plan Commission after review of site and operation plans. Special requirements may be imposed, but not limited to parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may be allowed one temporary sign not to exceed 24 square feet in area on one side and 48 square feet in area on all sides. All buildings, tents, equipment, supplies and debris shall be removed from the site within ten days following the temporary activity. Temporary uses permitted under this section include:

(1) Real estate sales, rental field offices or model homes may be permitted in any residential district.

(2) Temporary structures, including mobile home units, may be permitted in any business or institutional district. Such temporary structure may be used as a business, institutional or professional office during or immediately prior to the construction of a permanent structure.

(3) Shelters for materials and equipment being used in the construction of a permanent structure or public utility may be permitted in any district. The Zoning Administrator or Plan Commission may require that storage areas be screened to prevent a view of materials or equipment from adjacent properties.

(4) Flea markets, concerts, festivals and outdoor group assemblies may be permitted in a B-1, B-2 or B-3 district.

(5) Circuses, carnivals and animal shows may be permitted in a B-1, B-2 or B-3 district. The Plan Commission may limit or prohibit the display of dangerous animals such as tigers or snakes.

(6) Christmas tree sales may be permitted in a B-1, B-2 or B-3 district for not more than 42 days.

(7) Farmers markets may be permitted in a B-1, or CS-1 district.

(8) The temporary sale of goods from a truck, trailer, table or tent shall only be permitted as part of a festival permit issued by the Village Board. (Amended Ordinance 143-081208)

(9) A property owner may allow camping on their land for up to 72 hours as long as bathroom facilities are on the premises.

(10) Because it is difficult to enumerate all temporary uses that may occur in the Village, any other use which the Plan Commission finds to be similar to other temporary uses permitted in a given district, will not be disruptive to the neighborhood, and will not create a hazard to traffic in a neighborhood may be permitted. The Plan Commission may impose additional operational or construction conditions on such temporary uses when it is deemed necessary.

Sec. 66.0303 Site and Lot Restrictions

(a) Suitability. No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Zoning Administrator, in cooperation with the Village Engineer, shall, in applying the provisions of this section, recite in writing the particular facts upon which he/she bases his/her conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting

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SEC. 66.0303 SITE AND LOT RESTRICTIONS

SEC. 66.0303 SITE AND LOT RESTRICTIONS

such unsuitability if he/she so desires. Thereafter the Plan Commission may affirm, modify or withdraw the determination of unsuitability. In addition:

(b) Minimum lot sizes. Lots created after the adoption of the ordinance from which this chapter is derived shall meet the minimum area requirements for each district as defined in sections 66.0310 through 66.0331.

(c) Minimum lot width. The minimum lot requirement shall apply at the building setback line and at the ordinary high-water mark.

(d) Substandard lots. If two or more substandard lots have the same ownership as of November 16, 1973, the lots involved shall be considered an individual parcel for the purpose of this chapter.

(e) Public streets. All lots shall abut upon a public street, and each lot shall have a minimum lot width measured at the street setback line as specified in each district, but not less than 65 feet. The required minimum lot width shall be maintained for at least 30 feet beyond the street setback line for construction of the principal structure.

(f) Principal structure location. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot in single-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose, but not limited to additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

(g) Lots abutting other districts. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line to equal the average of the street yards required in both districts.

(h) Buffer yard. A buffer yard shall be created and maintained around all business districts which abut upon residential districts and/or which are adjacent to limited access arterial streets and highways, which abut upon residential districts. The Plan

Commission may also require a buffer yard around business districts abutting park and institutional districts. Buffer yards shall be a minimum of 20 feet in width; shall be in addition to the required street yards, side yards, and rear yards; and shall screen business uses from adjoining lands in such a manner that:

(1) If the buffer yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than two years and during all seasons of the year.

(2) Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such wall or fence to create an attractive view from the residential side, and all walls and fences shall be maintained in a structurally sound and attractive condition. Any wall or fence shall be not less than four feet or more than six feet in height.

(3) All landscaping shall be maintained by the owner or operator to the satisfaction of the Zoning Administrator.

(4) Where the land adjacent to the buffer yard is a parking lot, the buffer yard shall be sufficiently opaque to prevent the penetration of headlight glare. Overhead lighting installed in or adjacent to a buffer yard shall not throw any rays onto adjacent residential properties.

(5) No signs shall be permitted on or in any part of the buffer yard.

(i) Structures not buildings. Structures which are not buildings and which are six inches or more in height from the surface of the ground shall be subject to the setback and other dimensional requirements of this chapter. Excluded are fences up to six feet in height, public utility poles and signs, except where provisions of this chapter specifically apply. For the purposes of this chapter, decks, tennis courts, parking lots, outdoor seating for taverns or general restaurants, fast food restaurants, drive-in restaurants and take-out restaurants, swimming pools (above-ground and in-ground pools), basketball courts and other similar uses shall be considered structures, shall

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SEC. 66.0304 SETBACK REQUIREMENTS FROM THE WATER

SEC. 66.0307 SPECIAL SETBACK REQUIREMENTS

require a permit, and shall be subject to the yard and setback requirements for accessory buildings. (Amended Ordinance 172-081010)

Sec. 66.0304 Setback Requirements from the Water

For lots that abut on navigable waters, there shall be setbacks from the ordinary high-water mark of such waters.

(a) Applicability in developed areas. In areas with existing development patterns, structures close to the ordinary high-water mark, except as provide in subsection (e) and (f) below, shall be set back at least 30 feet from all points along the ordinary high-water mark. The lowest floor level of all structures shall be elevated at least two feet above the ordinary high-water mark. All structures, boathouses, accessory buildings allowed in (e) and structures not buildings shall comply with the applicable district side yard setbacks.

(b) Applicability in undeveloped areas. In areas with no development pattern, structures close to the ordinary high-water mark, except as provide in subsection (e) and (f) below, shall be set back at least 75 feet from all points along the ordinary high-water mark. The lowest floor level of all structures shall be elevated at least two feet above the ordinary high-water mark. All structures, boathouses, accessory buildings allowed in (e) and structures not buildings shall comply with the applicable district side yard setbacks.

(c) Setback averaging in developed areas. Where the two adjacent lots are occupied by principal structures (excluding boathouses), the water setback shall be the average of the setbacks of the adjacent principal structures or 30 feet whichever is less. When one adjacent lot is occupied by a principal structure (excluding boathouses), the water setback shall be the average of the setback of the adjacent principal structure and 30 feet or 30 feet whichever is less. The adjacent principal structures must be within 100 feet of either side of the proposed structure in order to use the averaging method.

(d) Setback averaging in undeveloped areas. Where two adjacent lots are occupied by principal structures (excluding boathouses) with high-water mark setbacks of 30 feet or

more, the water setback shall be the average of the setbacks of the adjacent principal structures. When one adjacent lot is occupied by a principal structure (excluding boathouses) with a high-water setback of 40 feet or more, the water setback shall be the average of the setback of the adjacent principal structure and 75 feet. The adjacent principal structures must be within 100 feet of either side of the proposed structure in order to use the averaging method.

(e) Exceptions.

- (1) Decks are allowed provided they do not extend waterward more than 20 percent of the remaining setback.
- (2) Boathouses shall not project beyond the ordinary high-water mark.
- (3) Stairways, elevated walkways, ramps, lifts, fences, flagpoles, piers, boat hoists.
- (4) Utility poles, lines and related equipment without permanent foundations.
- (5) Structures not buildings as defined in section 66.0303(i) [See page 6]
- (6) Signs as permitted starting with section 66.0701 [See page 106]

(f) Parking lots. Parking lots shall be set back at least 75 feet from all points along the ordinary high-water mark. However, the Plan Commission may with a conditional use permit, grant modifications to a minimum of 35 feet from all points along the ordinary high-water mark for parking lots only.

Sec. 66.0305 Reduction

No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter.

Sec. 66.0306 Additions

Additions in the front yard of existing structures shall not project beyond the required setback for the district in which they are located subject to the limitations for averaging front setbacks as set forth below.

Sec. 66.0307 Special Setback Requirements

(a) Average Front Setbacks. The required front setback shall not be decreased below the minimum setback for the district in which it is located. However, if the principal structures on abutting lots are set back closer than the minimum, the front setback

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0307 SPECIAL SETBACK REQUIREMENTS

SEC. 66.0307 SPECIAL SETBACK REQUIREMENTS

of a proposed principal structure shall be decreased to the average of the existing front setbacks of the abutting structures on each side. The adjacent principal structures must be within 100 feet of either side of the proposed structure in order to use the averaging method. Note: For setback averaging from the water, see section 66.0304 Setback Requirements from the Water on page 8. (Amended Ordinance 120-061306)

(b) Corner Lot Setbacks. On a vacant through or corner lot, either of the lot lines abutting street right-of-way lines may be established as its front lot line, except that where two more through lots are contiguous and a front lot line has been duly established, the same street lot line shall thereafter be deemed to be the front lot line of all such contiguous lots. On a through lot, a front yard shall be provided along any lot line abutting a street. On a corner lot, the owner has the option of designating a side yard and a rear yard of the two remaining yards after the front yard and side yard abutting a street have been identified; as long as one is at least equal to the required side setback and the other is at least equal to the required rear setback. (Amended Ordinance 120-061306)

(c) Double Frontage Lot. Structures on lots abutting two opposite streets shall be provided with a front setback and a rear setback. The Zoning Administrator shall select where the front setback shall be applied and where the rear setback shall be applied in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is located and the rear setback area shall be screened from arterial streets with fencing or landscaping, as may be appropriate. Accessory structures may be placed in the designated rear setback area, but shall be located no closer to the street right-of-way than the required setback for accessory structures. (Amended Ordinance 120-061306)

(d) Large Project Setbacks. The Plan Commission may establish the front yard, side yard, street yard, and rear yard setbacks for projects built in the R-2 district, all PUD pro-

jects and projects involving multiple buildings on a single parcel in B-1 district. The various setbacks shall complement the adjacent property's setbacks. (Amended Ordinance 120-061306)

VILLAGE OF SISTER BAY ZONING CODE

RESIDENTIAL DISTRICTS

SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING UNITS OVERLAY DISTRICT.

1 Residential Districts

2 Sec. 66.0310 RSOD Residential Second 3 Dwelling Units Overlay District.

4 Purpose and Intent. The Residential Second
5 Dwelling Units Overlay district (RSDO) is intend-
6 ed to permit as a conditional use the construction
7 and/or occupancy of a second dwelling unit is to
8 allow, when all applicable standards have been
9 met, a detached building designed as a second
10 dwelling unit or an addition to the primary dwell-
11 ing unit. The standards below apply to the follow-
12 ing residential districts including R-1, R-3, R-4
13 and CS-1.

14 (a) Definitions. For purposes of this section:

15 The term dwelling unit shall consist of and
16 include both the primary dwelling unit oc-
17 cupied by the owner and the second
18 dwelling unit and together are viewed as
19 one single-family dwelling.

21 (1) A primary dwelling unit is defined
22 as a detached building designed for
23 and occupied by the owner as a
24 single-family dwelling unit.

25 (2) A second dwelling unit is defined as
26 a detached or attached dwelling
27 unit located on the same lot of a
28 primary dwelling unit that is occu-
29 pied by the owner as a single-family
30 dwelling unit. A second dwelling
31 unit shall have sleeping areas and a
32 $\frac{3}{4}$ or full bathroom, with or without
33 kitchen facilities, as specified in the
34 permit.

35 (b) Permits. A conditional use permit must be
36 obtained before a building and/ or occu-
37 pancy permit may be issued for any second
38 dwelling unit. When a conditional use
39 permit has been issued for a second dwell-
40 ing unit, the owner of the lot shall be re-
41 sponsible for payment of impact fees as re-
42 quired in Section 62.25.

43 (c) Standards.

44 (1) An applicant for such a conditional
45 use must comply with general ordi-
46 nances for conditional use permits
47 as required.

48 (2) A second dwelling unit may be
49 rented or leased separately from the
50 primary dwelling unit on the lot.
51 The owner of a lot containing a
52 primary dwelling unit and a second
53 dwelling unit must live either in the
54 primary dwelling or in the second

dwelling unit in order for the condi-
tional use permit to be valid.

(3) Only one (1) second dwelling unit
may be allowed per lot. Driveway
access shall be regulated by Section
66.0406 of the Code.

(4) The lot proposed for a second
dwelling unit shall contain an exist-
ing primary dwelling unit, and must
meet the minimum lot size for the
respective zoning district.

(5) The square footage of a second
dwelling unit shall not exceed thirty
percent (30%) of the footprint of the
primary dwelling, excluding the
garage, or nine hundred (900)
square feet, whichever is larger. The
minimum size of the second dwell-
ing unit shall be at least three hun-
dred (300) square feet regardless of
the thirty percent (30%) rule.

(6) All detached second dwelling units
shall be limited to a maximum
height as established by Section
66.0501(d) of the Code.

(7) All detached second dwelling units
shall have a minimum building wall
separation from the primary dwell-
ing unit of ten (10) feet.

(8) All detached or attached second
dwelling units shall comply with
applicable setback requirements for
principal dwelling structures in the
respective zoning district. However,
second detached dwelling units
shall not be allowed in the front
yard of a lot, except as allowed un-
der Section 66.0501(b)(e)(2).

(9) All second dwelling units shall be
served by the same electrical, water
and gas meters, as applicable, that
serve the primary dwelling unit. No
separate meters shall be allowed.

(10) Off-street parking shall be provided
for the second dwelling unit.

(11) Construction of all second dwelling
units shall comply with applicable
building codes.

(12) All second dwelling units shall be
designed and built consistent with
the building type, architectural
style, and color of the primary
dwelling unit.

(d) Covenants and Restrictions. Prior to the is-
suanace of any building, occupancy, or

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SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING UNITS OVERLAY DISTRICT.

SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING UNITS OVERLAY DISTRICT.

conditional use permit for a second dwelling unit, the lot owner shall record against the deed to the subject property, restrictive covenants that shall run with the land, in a form approved by the Village Attorney, in favor of and for the benefit of the Village, which shall indicate that the occupancy and/ or use of the second dwelling unit is subject to and regulated by the Code of Ordinances. A copy of the signed conditional use permit for a second dwelling unit shall be recorded, and attached thereto and incorporated by reference, with the covenants. The covenants shall prohibit any sale or form of ownership transfer separate from the primary dwelling on the same lot. Nothing in this section is intended to modify, amend or alter the legal effect of any conditions, covenants and restrictions, or other independent or private deed restrictions that may be applicable to a lot for which a second dwelling unit is permitted under this section.

- (e) Automatic Expiration. This section of the Zoning Code shall automatically expire 36 months from the date of the adoption of the enabling ordinance, which was May 14, 2013.

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SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING
UNITS OVERLAY DISTRICT.

SEC. 66.0310 RSOD RESIDENTIAL SECOND DWELLING
UNITS OVERLAY DISTRICT.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

Sec. 66.0311 R-1 Single-Family Residence

District

The Single-Family Residence district (R-1) is intended to provide a pleasant, safe and quiet residential environment of moderate density (minimum 20,000 square foot lots), free from traffic hazards or public annoyances. The district is only allowed in areas where public sewer and water services are available.

(a) Permitted Uses:

- (1) Single-family dwellings.
- (2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.
- (4) Public parks.
- (5) Essential services, municipal buildings and facilities.

(b) Permitted Accessory Uses:

- (1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 92]
- (2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (3) Home occupations and professional home offices. [See section 66.0501(d) page 92]
- (4) Private swimming pools.
- (5) Private tennis courts.
- (6) Solar collectors attached to the principal structure.
- (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.

(c) Conditional Uses:

- (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
- (2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.

(3) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.

(4) Private parks and playgrounds.

(5) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.

(6) Solar energy collectors erected as an accessory structure.

(7) Utilities requiring a building.

(8) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 88] of this chapter.

(9) Antennas over 35 feet tall.

(10) Churches.

(11) Accessory structures and garages (Amended 111715).

(d) Lot Area and Width:

Lots shall be a minimum of 20,000 square feet in area and shall have a lot width of not less than 75 feet. Corner lots shall have a lot width of at least 110 feet.

(e) Building Height, Area and Standards:

(1) No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed the height specified in section 66.0501 [See page 92].

(2) The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.

(3) All principal residential buildings, excluding attached garages, shall have a minimum width of 24 feet for the main body of the house.

(4) The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(5) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1)

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SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

- 1 Wisconsin Statutes and chapter 57
2 ILHR 21, Wis. Admin. Code. 58
- 3 (6) The total of the area of the building 59
4 footprint of the principal residential 60
5 building and all accessory buildings 61
6 including the required parking, 62
7 driveways and sidewalks shall not 63
8 exceed 80 percent of the lot area 64
9 and the balance shall be left as 65
10 open space. (Amended Ordinance 66
11 159-120809) 67
- 12 (f) Setbacks: 68
- 13 (1) There shall be two side setbacks for 69
14 all principal residential buildings to- 70
15 taking at least 25 feet, with one be- 71
16 ing at least ten feet; and where a 72
17 side-entry garage exists, the setback 73
18 shall be at least 27 feet in width as 74
19 measured from the closest point of 75
20 the garage door opening that is per- 76
21 pendicular to the side lot line. 77
- 22 (2) There shall be a minimum side set- 78
23 back of at least 100 feet for all 79
24 churches. 80
- 25 (3) Accessory buildings shall meet the 81
26 same setbacks as principal buildings 82
27 in the district. Other accessory 83
28 building requirements are listed in 84
29 section section 66.0501 [See page 85
30 92] of this chapter. (Amended Or- 86
31 dinance 207-100912) 87
- 32 (4) There shall be a minimum front set- 88
33 back of at least 70 feet from the 89
34 centerline of the street right-of-way. 90
- 35 (5) There shall be a minimum front set- 91
36 back of at least 40 feet from the 92
37 edge of the easement or the edge of 93
38 pavement for all buildings not on a 94
39 public street. 95
- 40 (6) There shall be a minimum rear yard 96
41 setback of at least 40 feet from the 97
42 rear property line. 98
- 43 (g) Other Architectural Standards: (Amended 99
44 Ordinance 137-021208) 100
- 45 (1) The Plan Commission shall approve 101
46 the style and exterior design of 102
47 dwellings in subdivisions. The de- 103
48 veloper shall designate specific lots 104
49 for certain building designs to insure 105
50 that no two adjacent dwelling 106
51 units/buildings shall look identical. 107
- 52 (2) Any wall visible from a public street 108
53 that exceeds 50 feet in length shall 109
54 have a minimum of 20% of the 110
55 length of the wall projecting or re- 111
56 cessing at a minimum depth of 3% 112
- of the length of the wall and a
change in the materials, texture, or
a permanent architectural feature
shall be provided.
- (3) A detached garage shall be architec-
turally compatible with the residen-
tial building it serves. It shall be de-
signed and oriented to minimize the
visual effect of the scale or mass of
the garage. Visual interest shall be
created on all sides of the garage
that are visible from a public street
through the use of landscaping,
berming, architectural features,
building materials, and/or orienta-
tion.
- (4) In the R-2 and R-4 districts, attached
garages for multifamily develop-
ments shall be designed and orient-
ed so that they do not dominate the
front facade of the building to
which they are attached. Attached
garages shall not occupy more than
30% of the front facade of the build-
ing. Not more than six garage doors
may appear on any multifamily
building facade containing front
doors, and the plane along such
garage doors shall be broken by an
offset of at least two feet if more
than two garage doors are in a row.
- (5) In the R-1, R-3 and CS-1 districts at-
tached garages for single family
homes shall be designed and ori-
ented so that they do not dominate
the front facade of the building to
which they are attached. (Amended
Ordinance 1141-070808)
- (6) Sidewalks not less than three (3) feet
in width shall be provided to all
building entrances connecting the
building to the required parking ar-
eas or driveways.
- (7) If a sidewalk exists along the public
street(s) abutting the lot, then side-
walk(s) shall be provided connect-
ing the all buildings to the public
street.
- (8) Street trees shall be provided along
all existing and new public right-of-
ways at a rate of at least one tree
per 40 feet. If a driveway leading to
the parking area is longer than 100
feet, trees shall also be planted
along at least one side of such
driveway at the rate specified. All

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

- 1 tree species shall be approved by
2 the Plan Commission.
3 (9) All dwelling units must be served by
4 public streets and not private roads.
5 In the R-2 and R-4 districts, all
6 driveways and parking spaces must
7 be paved. In the R-1, R-3 and CS-1
8 districts all driveways must be
9 paved from the edge of abutting
10 street pavement to the edge of the
11 right of way or easement.
12
13

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

1

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT

SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT

Sec. 66.0312 R-2 Multiple-Family Residence District

The Multiple-Family Residence district (R-2) is intended to provide a housing area less spacious than the R-1 district by allowing multiple-family residences to be mixed with single-family residences and certain forms of institutional housing arrangements. The district is only allowed in areas where public sewer and water services are available.

(a) Permitted Uses:

- (1) Single-family dwellings.
- (2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.
- (4) Public parks.
- (5) Essential services, municipal buildings and facilities.
- (6) Residential condominiums, and multiple family dwelling units excluding commercial transient lodging.
- (7) Indoor institutional.
- (8) Boarding houses.
- (9) Licensed family day care homes subject to the regulations set forth in section §48.65 of the Wisconsin Statutes.

(b) Permitted Accessory Uses:

- (1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 92]
- (2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (3) Home occupations and professional home offices. [See section 66.0501(d) page 92]
- (4) Private swimming pools.
- (5) Private tennis courts.
- (6) Solar collectors attached to the principal structure.
- (7) Any other usual and customary uses accessory to the above permitted

uses as determined by the Zoning Administrator or his/her designee.

(c) Conditional Uses:

- (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
- (2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.
- (3) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.
- (4) Private parks and playgrounds.
- (5) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.
- (6) Solar energy collectors erected as an accessory structure.
- (7) Utilities requiring a building.
- (8) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 88] of this chapter.
- (9) Antennas over 35 feet tall.
- (10) Rest homes, nursing homes, clinics and children's nurseries if all principal structures are at least 50 feet away from any side or rear lot line.
- (11) Golf courses.
- (12) Churches.

(d) Lot Area and Width:

Lots shall be a minimum of 20,000 square feet in area and shall have a lot width of at least 75 feet. Corner lots shall have a lot width of at least 110 feet.

(e) Building Height, Area and Standards:

- (1) No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed the height specified in section 66.0501 [See page 92].
- (2) The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT

SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT

- | | | | | |
|----|-----|---|-----|--|
| 1 | (3) | All principal residential buildings, | 56 | pavement for all buildings not on a |
| 2 | | excluding attached garages, shall | 57 | public street. |
| 3 | | have a minimum width of 24 feet | 58 | (6) There shall be a minimum rear yard |
| 4 | | for the main body of the building. | 59 | setback of at least 30 feet from the |
| 5 | | (Amended Ordinance 203-091112) | 60 | rear property line. |
| 6 | (4) | The exterior walls of all principal | 61 | (7) See Section 66.0307(d) for setbacks |
| 7 | | residential buildings shall be covered | 62 | for multi-building R-2 housing projects. |
| 8 | | by either stucco, cement siding, | 63 | [See page 92] (Amended Ordinance |
| 9 | | wood, wood clapboards, wood | 64 | 203-091112) |
| 10 | | shakes, vinyl, steel or aluminum | 65 | (g) <u>Unit Densities:</u> |
| 11 | | beveled siding, brick, stone or other | 66 | The maximum dwelling unit density shall |
| 12 | | masonry-type veneer materials or | 67 | be six units per acre. The Plan Commission |
| 13 | | other similar materials. | 68 | may modify the density standard by a ¾- |
| 14 | (5) | All principal residential buildings | 69 | majority vote of the Commissioners, but |
| 15 | | shall be placed on, and be attached | 70 | only if supplemental design elements or |
| 16 | | to, a permanently enclosed foundation | 71 | improvements are incorporated into the |
| 17 | | in accordance with the standards | 72 | project, which compensate for the increased |
| 18 | | set forth in section 70.043(1) | 73 | density. (Amended Ordinance |
| 19 | | Wisconsin Statutes and chapter | 74 | 203-091112) |
| 20 | | ILHR 21, Wis. Admin. Code. | 75 | (h) <u>Other Architectural Standards:</u> (Amended |
| 21 | (6) | The total of the floor area on all | 76 | Ordinance 137-021208) |
| 22 | | floors of the principal residential | 77 | (1) The Plan Commission shall approve |
| 23 | | building and all accessory buildings | 78 | the style and exterior design of all |
| 24 | | including the required parking, | 79 | buildings in R-2 projects. The developer |
| 25 | | driveways and sidewalks shall not | 80 | shall designate specific lots |
| 26 | | exceed 40 percent of the lot area | 81 | for certain building designs to insure |
| 27 | | and the balance shall be left as | 82 | that no two adjacent dwelling |
| 28 | | open space. (Amended Ordinance | 83 | units/buildings shall look identical. |
| 29 | | 203-091112) | 84 | (Amended Ordinance 203-091112) |
| 30 | (f) | <u>Setbacks:</u> | 85 | (2) Any wall visible from a public street |
| 31 | (1) | There shall be two side setbacks for | 86 | that exceeds 50 feet in length shall |
| 32 | | all principal residential buildings totaling | 87 | have a minimum of 20% of the |
| 33 | | at least 25 feet, with one being | 88 | length of the wall projecting or |
| 34 | | at least ten feet; and where a | 89 | recessing at a minimum depth of 3% |
| 35 | | side-entry garage exists, the setback | 90 | of the length of the wall and a |
| 36 | | shall be at least 27 feet in width as | 91 | change in the materials, texture, or |
| 37 | | measured from the closest point of | 92 | a permanent architectural feature |
| 38 | | the garage door opening that is perpendicular | 93 | shall be provided. |
| 39 | | to the side lot line. | 94 | (3) A detached garage shall be architecturally |
| 40 | (2) | There shall be a minimum side setback | 95 | compatible with the residential |
| 41 | | of at least 100 feet for all churches. | 96 | building it serves. It shall be designed |
| 42 | | | 97 | and oriented to minimize the |
| 43 | (3) | Accessory buildings shall meet the | 98 | visual effect of the scale or mass of |
| 44 | | same setbacks as principal buildings | 99 | the garage. Visual interest shall be |
| 45 | | in the district. Other accessory | 100 | created on all sides of the garage |
| 46 | | building requirements are listed in | 101 | that are visible from a public street |
| 47 | | section 66.0501 [See page 92] of | 102 | through the use of landscaping, |
| 48 | | this chapter. (Amended Ordinance | 103 | berming, architectural features, |
| 49 | | 207-100912) | 104 | building materials, and/or orientation. |
| 50 | (4) | There shall be a minimum front setback | 105 | (4) In the R-2 district, attached garages |
| 51 | | of at least 60 feet from the | 106 | for multifamily developments shall |
| 52 | | centerline of the street right-of-way. | 107 | be designed and oriented so that |
| 53 | (5) | There shall be a minimum front setback | 108 | they do not dominate the front |
| 54 | | of at least 40 feet from the | 109 | facade of the building to which they |
| 55 | | edge of the easement or the edge of | 110 | |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT

SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE DISTRICT

- 1 are attached. Attached garages shall
2 not occupy more than 30% of the
3 front facade of the building. Not
4 more than six garage doors may ap-
5 pear on any multifamily building fa-
6 cade containing front doors, and the
7 plane along such garage doors shall
8 be broken by an offset of at least
9 two feet if more than two garage
10 doors are in a row. (Amended Ordinance 203-091112)
11
12 (5) Sidewalks not less than three (3) feet
13 in width shall be provided to all
14 building entrances connecting the
15 building to the required parking ar-
16 eas or driveways.
17
18 (6) If a sidewalk exists along the public
19 street(s) abutting the lot, then side-
20 walk(s) shall be provided connect-
21 ing the all buildings to the public
22 street.
23
24 (7) Street trees shall be provided along
25 all existing and new public right-of-
26 ways at a rate of at least one tree
27 per 40 feet. If a driveway leading to
28 the parking area is longer than 100
29 feet, trees shall also be planted
30 along at least one side of such
31 driveway at the rate specified. All
32 tree species shall be approved by
33 the Plan Commission.
34
35 (8) All dwelling units must be served by
36 public streets and not private roads.
37 In the R-2 district, all driveways and
parking spaces must be paved.
(Amended Ordinance 203-091112)

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE
DISTRICT

SEC. 66.0312 R-2 MULTIPLE-FAMILY RESIDENCE
DISTRICT

1

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0313 R-3 LARGE LOT RESIDENCE DISTRICT

SEC. 66.0313 R-3 LARGE LOT RESIDENCE DISTRICT

Sec. 66.0313 R-3 Large Lot Residence District

The large lot residence district (R-3) is intended to accommodate the development of residential uses in a manner, which protects the natural environment and reflects the open, country character of development found at the fringe of the community. This district is intended to be used in areas of the Village not served by public sewer and water and where future higher density residential and business development is not planned.

(a) Permitted Uses:

- (1) Single-family dwellings.
- (2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.
- (4) Public parks.
- (5) Essential services, municipal buildings and facilities.

(b) Permitted Accessory Uses:

- (1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 92]
- (2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (3) Home occupations and professional home offices. [See section 66.0501(d) page 92]
- (4) Private swimming pools.
- (5) Private tennis courts.
- (6) Solar collectors attached to the principal structure.
- (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.

(c) Conditional Uses:

- (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
- (2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.

(3) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.

(4) Private parks and playgrounds.

(5) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.

(6) Solar energy collectors erected as an accessory structure.

(7) Utilities requiring a building.

(8) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 88] of this chapter.

(9) Antennas over 35 feet tall.

(10) Golf Courses.

(11) Keeping and raising of non-domestic animals incidental to the principal use of the premises may be permitted, on a non-commercial basis, subject to the following limitations: (Amended Ordinance 170-071310)

(12) No endangered species, exotic species or wild animals shall be permitted.

(13) No hooved animals or roosters are permitted.

(14) No more than six poultry/fowl per five acres.

(15) No more than six fur bearing animals per five acres.

(16) The progeny of permitted non-domestic animals, which exceed the permitted number, may remain on the property for up to nine months.

(17) All non-domestic animals shall be housed or confined a minimum of at least 100 feet from all property lines.

(18) All structures, fences, coops or yards where non-domestic animals are kept shall be maintained in a clean and sanitary manner; devoid of rodents and vermin and free of objectionable odors.

(19) The Plan Commission may establish further restrictions on animals that create excessive noise.

(d) Lot Area and Width:

(1) Lots shall be a minimum of five acres in area and shall have a lot width of at least 300 feet. Corner

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SEC. 66.0313 R-3 LARGE LOT RESIDENCE DISTRICT

SEC. 66.0313 R-3 LARGE LOT RESIDENCE DISTRICT

- | | | | | |
|----|--|-----|-----|--|
| 1 | lots shall have a lot width of at least | 57 | (2) | There shall be a minimum side set- |
| 2 | 90 feet. | 58 | | back of at least 100 feet for all |
| 3 | (2) Building Height, Area and Stand- | 59 | | churches. |
| 4 | ards: | 60 | (3) | Accessory buildings shall meet the |
| 5 | (3) No principal residential building or | 61 | | same setbacks as principal buildings |
| 6 | part of a principal residential build- | 62 | | in the district. Other accessory |
| 7 | ing shall exceed 35 feet in height. | 63 | | building requirements are listed in |
| 8 | No accessory building shall exceed | 64 | | section 66.0501 [See page 92] of |
| 9 | 14 feet in height or the height of the | 65 | | this chapter. (<i>Amended Ordinance</i> |
| 10 | principal building as specified in | 66 | | <i>207-100912</i>) |
| 11 | section 66.0501 [See page 92]. | 67 | (4) | There shall be a minimum front set- |
| 12 | (4) The total minimum floor area of a | 68 | | back of at least 80 feet from the |
| 13 | principal residential building shall | 69 | | centerline of the street right-of-way. |
| 14 | be 900 square feet for a one- | 70 | (5) | There shall be a minimum front set- |
| 15 | bedroom dwelling, 1,000 square | 71 | | back of at least 60 feet from the |
| 16 | feet for a two-bedroom dwelling | 72 | | edge of the easement or the edge of |
| 17 | and 1,200 square feet for a three or | 73 | | pavement for all buildings not on a |
| 18 | more bedroom dwelling. | 74 | | public street. |
| 19 | (5) All principal residential buildings, | 75 | (6) | There shall be a minimum rear yard |
| 20 | excluding attached garages, shall | 76 | | setback of at least 50 feet from the |
| 21 | have a minimum width of 24 feet | 77 | | rear property line. |
| 22 | for the main body of the house. | 78 | (f) | <u>Other Architectural Standards:</u> (Amended |
| 23 | (6) The exterior walls of all principal | 79 | | Ordinance 137-021208) |
| 24 | residential buildings shall be cov- | 80 | (1) | The Plan Commission shall approve |
| 25 | ered by either stucco, cement sid- | 81 | | the style and exterior design of |
| 26 | ing, wood, wood clapboards, wood | 82 | | dwelling in subdivisions. The de- |
| 27 | shakes, vinyl, steel or aluminum | 83 | | veloper shall designate specific lots |
| 28 | beveled siding, brick, stone or other | 84 | | for certain building designs to insure |
| 29 | masonry-type veneer materials or | 85 | | that no two adjacent dwelling |
| 30 | other similar materials. | 86 | | units/buildings shall look identical. |
| 31 | (7) All principal residential buildings | 87 | (2) | Any wall visible from a public street |
| 32 | shall be placed on, and be attached | 88 | | that exceeds 50 feet in length shall |
| 33 | to, a permanently enclosed founda- | 89 | | have a minimum of 20% of the |
| 34 | tion in accordance with the stand- | 90 | | length of the wall projecting or re- |
| 35 | ards set forth in section 70.043(1) | 91 | | cessing at a minimum depth of 3% |
| 36 | Wisconsin Statutes and chapter | 92 | | of the length of the wall and a |
| 37 | ILHR 21, Wis. Admin. Code. | 93 | | change in the materials, texture, or |
| 38 | (8) The total of the floor area on all | 94 | | a permanent architectural feature |
| 39 | floors of the principal residential | 95 | | shall be provided. |
| 40 | building and all accessory buildings | 96 | (3) | A detached garage shall be architec- |
| 41 | including the required parking, | 97 | | turally compatible with the residen- |
| 42 | driveways and sidewalks shall not | 98 | | tial building it serves. It shall be de- |
| 43 | exceed 20 percent of the lot area | 99 | | signed and oriented to minimize the |
| 44 | and the balance shall be left as | 100 | | visual effect of the scale or mass of |
| 45 | open space. (Amended Ordinance | 101 | | the garage. Visual interest shall be |
| 46 | 159-120809) | 102 | | created on all sides of the garage |
| 47 | (e) <u>Setbacks:</u> | 103 | | that are visible from a public street |
| 48 | (1) There shall be two side setbacks for | 104 | | through the use of landscaping, |
| 49 | all principal residential buildings to- | 105 | | berming, architectural features, |
| 50 | taling at least 25 feet, with one be- | 106 | | building materials, and/or orienta- |
| 51 | ing at least ten feet; and where a | 107 | | tion. |
| 52 | side-entry garage exists, the setback | 108 | (4) | In the R-2 and R-4 districts, attached |
| 53 | shall be at least 27 feet in width as | 109 | | garages for multifamily develop- |
| 54 | measured from the closest point of | 110 | | ments shall be designed and orient- |
| 55 | the garage door opening that is per- | 111 | | ed so that they do not dominate the |
| 56 | pendicular to the side lot line. | 112 | | front facade of the building to |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0313 R-3 LARGE LOT RESIDENCE DISTRICT

SEC. 66.0313 R-3 LARGE LOT RESIDENCE DISTRICT

which they are attached. Attached garages shall not occupy more than 30% of the front facade of the building. Not more than six garage doors may appear on any multifamily building facade containing front doors, and the plane along such garage doors shall be broken by an offset of at least two feet if more than two garage doors are in a row.

(5) In the R-1, R-3 and CS-1 districts attached garages for single family homes shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. (Amended Ordinance 1141-070808)

(6) Sidewalks not less than three (3) feet in width shall be provided to all building entrances connecting the building to the required parking areas or driveways.

(7) If a sidewalk exists along the public street(s) abutting the lot, then sidewalk(s) shall be provided connecting the all buildings to the public street.

(8) Street trees shall be provided along all existing and new public right-of-ways at a rate of at least one tree per 40 feet. If a driveway leading to the parking area is longer than 100 feet, trees shall also be planted along at least one side of such driveway at the rate specified. All tree species shall be approved by the Plan Commission.

(9) All dwelling units must be served by public streets and not private roads. In the R-2 and R-4 districts, all driveways and parking spaces must be paved. In the R-1, R-3 and CS-1 districts all driveways must be paved from the edge of abutting street pavement to the edge of the right of way or easement.

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1

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0314 R-4 SMALL LOT RESIDENCE DISTRICT

SEC. 66.0314 R-4 SMALL LOT RESIDENCE DISTRICT

Sec. 66.0314 R-4 Small Lot Residence District

The small lot residence district (R-4) is intended to provide a pleasant, safe and quiet residential environment for workforce housing. This district is only allowed as a PUD where it is demonstrated that the development will provide housing for individuals working full time within the area served by the Gibraltar School District who meet the standards as established for Door County. The district is only allowed in areas where public sewer and water services are available. (Amended Ordinance 137-021208)

(a) Permitted Uses:

- (1) Single-family dwellings.
- (2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.
- (4) Public parks.
- (5) Essential services, municipal buildings and facilities.
- (6) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin statutes.
- (7) The R-4 Zoning District shall consist of single family, duplex, townhouse and apartment dwelling units or any combination thereof at a percentage mix as permitted by Plan Commission. Transient housing is not permitted. (Amended Ordinance 137-021208)

(b) Permitted Accessory Uses:

- (1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 92]
- (2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (3) Home occupations and professional home offices. [See section 66.0501(d) page 92]
- (4) Private swimming pools.
- (5) Private tennis courts.
- (6) Solar collectors attached to the principal structure.

- (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.

(c) Conditional Uses:

- (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
- (2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.
- (3) Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.
- (4) Private parks and playgrounds.
- (5) Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.
- (6) Solar energy collectors erected as an accessory structure.
- (7) Utilities requiring a building.
- (8) Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 88] of this chapter.
- (9) Antennas over 35 feet tall.

(d) Lot Area and Width:

- (1) Lots shall be a minimum of 4,500 square feet in area and shall have a lot width of at least 45 feet. Corner lots shall have a lot width of at least 55 feet.

(e) Building Height, Area and Standards:

- (1) No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed the height specified in section 66.0501 [See page 92].
- (2) The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.
- (3) All principal residential buildings, excluding attached garages, shall have a minimum width of 24 feet for the main body of the house.

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- (4) The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.
- (5) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1) Wisconsin Statutes and chapter ILHR 21, Wis. Admin. Code.
- (6) The total of the floor area on all floors of the principal residential building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 50 percent of the lot area and the balance shall be left as open space. (Amended Ordinance 159-120809)
- (7) The total minimum floor area of a principal residential building shall be 850 square feet for a one-bedroom dwelling, 900 square feet for a two-bedroom dwelling and 1,100 square feet for a three or more bedroom dwelling. (Amended Ordinance 137-021208)
- (f) Setbacks:
- (1) There shall be two side setbacks for all principal residential buildings totaling at least 20 feet, with one being at least five feet; and where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line.
- (2) There shall be a minimum front setback of at least 25 feet from the centerline of the street right-of-way.
- (3) There shall be a minimum front setback of at least 40 feet from the edge of the easement or the edge of pavement for all buildings not on a public street.
- (4) There shall be a minimum rear yard setback of at least 25 feet from the rear property line.
- (5) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory

building requirements are listed in section 66.0501 [See page 92] of this chapter. (Amended Ordinance 207-100912)

(g) Other Architectural Standards: (Amended Ordinance 137-021208)

- (1) The Plan Commission shall approve the style and exterior design of dwellings in subdivisions. The developer shall designate specific lots for certain building designs to insure that no two adjacent dwelling units/buildings shall look identical.
- (2) Any wall visible from a public street that exceeds 50 feet in length shall have a minimum of 20% of the length of the wall projecting or recessing at a minimum depth of 3% of the length of the wall and a change in the materials, texture, or a permanent architectural feature shall be provided.
- (3) A detached garage shall be architecturally compatible with the residential building it serves. It shall be designed and oriented to minimize the visual effect of the scale or mass of the garage. Visual interest shall be created on all sides of the garage that are visible from a public street through the use of landscaping, berming, architectural features, building materials, and/or orientation.
- (4) In the R-2 and R-4 districts, attached garages for multifamily developments shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. Attached garages shall not occupy more than 30% of the front facade of the building. Not more than six garage doors may appear on any multifamily building facade containing front doors, and the plane along such garage doors shall be broken by an offset of at least two feet if more than two garage doors are in a row.
- (5) In the R-1, R-3 and CS-1 districts attached garages for single family homes shall be designed and oriented so that they do not dominate the front facade of the building to which they are attached. (Amended Ordinance 1141-070808)

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SEC. 66.0314 R-4 SMALL LOT RESIDENCE DISTRICT

SEC. 66.0314 R-4 SMALL LOT RESIDENCE DISTRICT

- 1 (6) Sidewalks not less than three (3) feet
2 in width shall be provided to all
3 building entrances connecting the
4 building to the required parking ar-
5 eas or driveways.
6 (7) If a sidewalk exists along the public
7 street(s) abutting the lot, then side-
8 walk(s) shall be provided connect-
9 ing the all buildings to the public
10 street.
11 (8) Street trees shall be provided along
12 all existing and new public right-of-
13 ways at a rate of at least one tree
14 per 40 feet. If a driveway leading to
15 the parking area is longer than 100
16 feet, trees shall also be planted
17 along at least one side of such
18 driveway at the rate specified. All
19 tree species shall be approved by
20 the Plan Commission.
21 (9) All dwelling units must be served by
22 public streets and not private roads.
23 In the R-2 and R-4 districts, all
24 driveways and parking spaces must
25 be paved. In the R-1, R-3 and CS-1
26 districts all driveways must be
27 paved from the edge of abutting
28 street pavement to the edge of the
29 right of way or easement.
30

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SEC. 66.0314 R-4 SMALL LOT RESIDENCE DISTRICT

SEC. 66.0314 R-4 SMALL LOT RESIDENCE DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0315 CS-1 COUNTRYSIDE DISTRICT

SEC. 66.0315 CS-1 COUNTRYSIDE DISTRICT

1 **Sec. 66.0315 CS-1 Countryside District**

2 The Countryside district provides for the continua-
3 tion of low-density residential housing and gen-
4 eral, non-intensive, agricultural and related use in
5 those areas suited to farming. The intent is to con-
6 serve areas with adequate soil types, drainage and
7 topography for low-density residential use and to
8 preserve the rural landscape from an uneconomical
9 scattering of residential development in such
10 areas.

11 (a) Permitted Uses:

- 12 (1) Single-family dwellings.
- 13 (2) Licensed community and other liv-
14 ing arrangements, which have a ca-
15 pacity for eight or fewer persons,
16 subject to the limitations set forth in
17 section 62.23(7)(i) of the Wisconsin
18 Statutes.
- 19 (3) Licensed foster family homes sub-
20 ject to the regulations set forth in
21 section 48.62 of the Wisconsin
22 Statutes.
- 23 (4) Public parks.
- 24 (5) Essential services, municipal build-
25 ings and facilities.
- 26 (6) General farming including but not
27 limited to apiculture, floriculture,
28 forage crop production, forestry,
29 grain production, grazing, orchards,
30 vineyards and truck farming.
- 31 (7) Horse stables.
- 32 (8) Tree farms and woodlots.
- 33 (9) Existing dwellings not accessory to
34 any farm operation or a dwelling
35 remaining after farm consolidation.
- 36 (10) Indoor institutional uses.
- 37 (11) Churches.
- 38 (12) Keeping and raising of domestic
39 stock for agribusiness, show, breed-
40 ing, boarding, or other purposes in-
41 cidental to the principal use of the
42 premises shall be limited to no more
43 than three non-domestic animals
44 per acre.

45 (b) Permitted Accessory Uses:

- 46 (1) Accessory Uses and Structures. De-
47 tached garages shall not be used,
48 rented or leased to any individual
49 who is not the property owner or an
50 occupant residing on the property.
51 See section 66.0501 [See page 92]
- 52 (2) Ground-mounted and building-
53 mounted earth station dish and ter-
54 restrial antennas.

- 55 (3) Home occupations and professional
56 home offices. [See section
57 66.0501(d) page 92]
- 58 (4) Private swimming pools.
- 59 (5) Private tennis courts.
- 60 (6) Solar collectors attached to the
61 principal structure.
- 62 (7) Any other usual and customary uses
63 accessory to the above permitted
64 uses as determined by the Zoning
65 Administrator or his/her designee.
- 66 (8) One roadside stand, no larger than
67 200 square feet in area, for the sale
68 of farm products produced on the
69 premises. Any such stand shall con-
70 form to the farm stand setbacks set
71 forth in section 66.0315(g)(1) of this
72 chapter and to the sign, parking and
73 other provisions of this chapter.

74 (c) Conditional Uses:

- 75 (1) Bed and breakfast establishments as
76 provided for in Section 50.51(b) of
77 the Wisconsin Statutes and Chapter
78 HSS 197 of the Wisconsin Adminis-
79 trative Code.
- 80 (2) Licensed community and other liv-
81 ing arrangements, which have a ca-
82 pacity of at least nine, but no more
83 than 20 persons.
- 84 (3) Licensed family day care homes
85 subject to the regulations set forth in
86 section 48.65 of the Wisconsin
87 Statutes.
- 88 (4) Private parks and playgrounds.
- 89 (5) Utility substations, municipal wells,
90 pumping stations and towers shall
91 be a minimum of 50 feet from any
92 side or rear lot line.
- 93 (6) Solar energy collectors erected as
94 an accessory structure.
- 95 (7) Utilities requiring a building.
- 96 (8) Parking of a semi-tractor or other
97 large trucks in accordance with
98 Subsection 66.0405(b) [See page
99 88] of this chapter.
- 100 (9) Antennas over 35 feet tall.
- 101 (10) Private educational or non-animal
102 nature study areas.
- 103 (11) Garden plots for rent.
- 104 (12) Permanent retail establishments sell-
105 ing fruits, vegetables and selected
106 farm products in stands exceeding
107 200 square feet in area.
- 108 (13) Transmitting towers, receiving tow-
109 ers, and relay and microwave tow-

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0315 CS-1 COUNTRYSIDE DISTRICT

SEC. 66.0315 CS-1 COUNTRYSIDE DISTRICT

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|----|---|-----|-----|---|
| 1 | ers without broadcast facilities or | 57 | (6) | The total of the floor area on all |
| 2 | studios. | 58 | | floors of the principal residential |
| 3 | (14) Cemeteries. | 59 | | building and all accessory buildings |
| 4 | (15) Farm implement repair. | 60 | | including the required parking, |
| 5 | (16) Golf courses. | 61 | | driveways and sidewalks shall not |
| 6 | (17) Indoor and outdoor recreation. | 62 | | exceed 10 percent of the lot area |
| 7 | (18) Kennels. | 63 | | and the balance shall be left as |
| 8 | (19) Utilities requiring a building. | 64 | | open space. (Amended Ordinance |
| 9 | (20) One roadside stand, no larger than | 65 | | 159-120809) |
| 10 | 200 square feet in area, for the sale | 66 | (f) | <u>Setbacks:</u> |
| 11 | of farm products. Any such stand | 67 | (1) | There shall be two side setbacks for |
| 12 | shall conform to the farm stand set- | 68 | | all principal residential buildings to- |
| 13 | backs set forth in section | 69 | | taling at least 25 feet, with one be- |
| 14 | 66.0315(g)(1) of this chapter and to | 70 | | ing at least ten feet; and where a |
| 15 | the sign, parking and other provi- | 71 | | side-entry garage exists, the setback |
| 16 | sions of this chapter. | 72 | | shall be at least 27 feet in width as |
| 17 | (21) Hotels/motels (Not to exceed eight | 73 | | measured from the closest point of |
| 18 | separate rooms or units for rent) | 74 | | the garage door opening that is per- |
| 19 | (Amended Ordinance 188-071211) | 75 | | pendicular to the side lot line. |
| 20 | (d) <u>Lot Area and Width:</u> | 76 | (2) | There shall be a minimum side set- |
| 21 | (1) Lots shall have a minimum area of | 77 | | back of at least 100 feet for all |
| 22 | ten acres and shall have a lot width | 78 | | churches. |
| 23 | of at least 300 feet wide. | 79 | (3) | Accessory buildings shall meet the |
| 24 | (e) <u>Building Height, Area and Standards:</u> | 80 | | same setbacks as principal buildings |
| 25 | (1) No principal residential building or | 81 | | in the district. Other accessory |
| 26 | part of a principal residential build- | 82 | | building requirements are listed in |
| 27 | ing shall exceed 35 feet in height. | 83 | | section 66.0501 [See page 92] of |
| 28 | No accessory building shall exceed | 84 | | this chapter. (Amended Ordinance |
| 29 | the height as specified in section | 85 | | 207-100912) |
| 30 | 66.0501 [See page 92]. | 86 | (4) | There shall be a minimum front set- |
| 31 | (2) The total minimum floor area of a | 87 | | back of at least 50 feet from the |
| 32 | principal residential building shall | 88 | | street right-of-way for farm dwell- |
| 33 | be 900 square feet for a one- | 89 | | ings and at least 80 feet from the |
| 34 | bedroom dwelling, 1,000 square | 90 | | street right-of-way for all other |
| 35 | feet for a two-bedroom dwelling | 91 | | buildings. |
| 36 | and 1,200 square feet for a three or | 92 | (5) | There shall be a minimum front set- |
| 37 | more bedroom dwelling. | 93 | | back of at least 60 feet from the |
| 38 | (3) All principal residential buildings, | 94 | | edge of the easement or the edge of |
| 39 | excluding attached garages, shall | 95 | | pavement for all buildings not on a |
| 40 | have a minimum width of 24 feet | 96 | | public street. |
| 41 | for the main body of the house. | 97 | (6) | There shall be a minimum rear yard |
| 42 | (4) The exterior walls of all principal | 98 | | setback of at least 50 feet from the |
| 43 | residential buildings shall be cover- | 99 | | rear property line. |
| 44 | ed by either stucco, cement sid- | 100 | (g) | <u>Special Requirements.</u> |
| 45 | ing, wood, wood clapboards, wood | 101 | (1) | Farm stands shall be setback at least |
| 46 | shakes, vinyl, steel or aluminum | 102 | | ten feet from all property lines. |
| 47 | beveled siding, brick, stone or other | 103 | (2) | Buildings that house farm animals |
| 48 | masonry-type veneer materials or | 104 | | including horses shall be setback at |
| 49 | other similar materials. | 105 | | least 100 feet from the nearest resi- |
| 50 | (5) All principal residential buildings | 106 | | dence and from any navigable wa- |
| 51 | shall be placed on, and be attached | 107 | | ter. |
| 52 | to, a permanently enclosed founda- | 108 | (3) | Indoor institutional use buildings |
| 53 | tion in accordance with the stand- | 109 | | shall be setback a minimum of at |
| 54 | ards set forth in section 70.043(1) | 110 | | least 50 feet from residentially |
| 55 | Wisconsin Statutes and chapter | 111 | | zoned property. |
| 56 | ILHR 21, Wis. Admin. Code. | | | |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0315 CS-1 COUNTRYSIDE DISTRICT

SEC. 66.0315 CS-1 COUNTRYSIDE DISTRICT

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|----|-----|--|----|--|
| 1 | (4) | All kennels shall be screened from | 57 | the front facade of the building to |
| 2 | | all sides and shall be a minimum of | 58 | which they are attached. (Amended |
| 3 | | at least 200 feet from the side and | 59 | Ordinance 1141-070808) |
| 4 | | year yard. All animals shall be kept | 60 | (6) Sidewalks not less than three (3) feet |
| 5 | | indoors from 9:00 p.m. to 7:00 a.m. | 61 | in width shall be provided to all |
| 6 | (5) | The minimum lot size for a horse | 62 | building entrances connecting the |
| 7 | | stable shall be five acres. | 63 | building to the required parking ar- |
| 8 | (h) | <u>Other Architectural Standards:</u> (Amended | 64 | areas or driveways. |
| 9 | | Ordinance 137-021208) | 65 | (7) If a sidewalk exists along the public |
| 10 | (1) | The Plan Commission shall approve | 66 | street(s) abutting the lot, then side- |
| 11 | | the style and exterior design of | 67 | walk(s) shall be provided connect- |
| 12 | | dwellings in subdivisions. The de- | 68 | ing the all buildings to the public |
| 13 | | veloper shall designate specific lots | 69 | street. |
| 14 | | for certain building designs to insure | 70 | (8) Street trees shall be provided along |
| 15 | | that no two adjacent dwelling | 71 | all existing and new public right-of- |
| 16 | | units/buildings shall look identical. | 72 | ways at a rate of at least one tree |
| 17 | (2) | Any wall visible from a public street | 73 | per 40 feet. If a driveway leading to |
| 18 | | that exceeds 50 feet in length shall | 74 | the parking area is longer than 100 |
| 19 | | have a minimum of 20% of the | 75 | feet, trees shall also be planted |
| 20 | | length of the wall projecting or re- | 76 | along at least one side of such |
| 21 | | cessing at a minimum depth of 3% | 77 | driveway at the rate specified. All |
| 22 | | of the length of the wall and a | 78 | tree species shall be approved by |
| 23 | | change in the materials, texture, or | 79 | the Plan Commission. |
| 24 | | a permanent architectural feature | 80 | (9) All dwelling units must be served by |
| 25 | | shall be provided. | 81 | public streets and not private roads. |
| 26 | (3) | A detached garage shall be architec- | 82 | In the R-2 and R-4 districts, all |
| 27 | | turally compatible with the residen- | 83 | driveways and parking spaces must |
| 28 | | tial building it serves. It shall be de- | 84 | be paved. In the R-1, R-3 and CS-1 |
| 29 | | signed and oriented to minimize the | 85 | districts, all driveways must be |
| 30 | | visual effect of the scale or mass of | 86 | paved from the edge of abutting |
| 31 | | the garage. Visual interest shall be | 87 | street pavement to the edge of the |
| 32 | | created on all sides of the garage | 88 | right of way or easement. |
| 33 | | that are visible from a public street | 89 | |
| 34 | | through the use of landscaping, | | |
| 35 | | berming, architectural features, | | |
| 36 | | building materials, and/or orienta- | | |
| 37 | | tion. | | |
| 38 | (4) | In the R-2 and R-4 districts, attached | | |
| 39 | | garages for multifamily develop- | | |
| 40 | | ments shall be designed and orient- | | |
| 41 | | ed so that they do not dominate the | | |
| 42 | | front facade of the building to | | |
| 43 | | which they are attached. Attached | | |
| 44 | | garages shall not occupy more than | | |
| 45 | | 30% of the front facade of the build- | | |
| 46 | | ing. Not more than six garage doors | | |
| 47 | | may appear on any multifamily | | |
| 48 | | building facade containing front | | |
| 49 | | doors, and the plane along such | | |
| 50 | | garage doors shall be broken by an | | |
| 51 | | offset of at least two feet if more | | |
| 52 | | than two garage doors are in a row. | | |
| 53 | (5) | In the R-1, R-3 and CS-1 districts at- | | |
| 54 | | tached garages for single family | | |
| 55 | | homes shall be designed and ori- | | |
| 56 | | ented so that they do not dominate | | |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0315 CS-1 COUNTRYSIDE DISTRICT

SEC. 66.0315 CS-1 COUNTRYSIDE DISTRICT

1

VILLAGE OF SISTER BAY ZONING CODE

BUSINESS DISTRICTS

SEC. 66.0320 B-1 GENERAL BUSINESS DISTRICT

| | | | | |
|----|---|-----|------|-------------------------------------|
| 1 | Business Districts | 54 | (26) | Hobby and craft shops |
| 2 | Sec. 66.0320 B-1 General Business District | 55 | (27) | Hotel, condominium |
| 3 | The General Business district (B-1) is intended to | 56 | (28) | Hotel/motel |
| 4 | provide areas for attractive and accessible group- | 57 | (29) | Indoor institutional |
| 5 | ings of business, commercial, office and other | 58 | (30) | Infrastructure essential services |
| 6 | general retail uses in convenient locations outside | 59 | (31) | Information centers |
| 7 | of the Downtown Business district (B-3). This sec- | 60 | (32) | Insurance sales offices |
| 8 | tion provides standards for the orderly improve- | 61 | (33) | Interior decorators and furniture |
| 9 | ment and development within the general busi- | 62 | | stores |
| 10 | ness district based on the following principles: | 63 | (34) | Jewelry stores |
| 11 | • Development that is consistent with the | 64 | (35) | Lawn and garden centers |
| 12 | natural environment. | 65 | (36) | Licensed massage therapy and body |
| 13 | • Development that maintains the Village's | 66 | | work as certified by the State |
| 14 | traditional small town appearance, in | 67 | (37) | Liquor stores |
| 15 | which its housing, shops, work places, | 68 | (38) | Lumberyards |
| 16 | parks and civic facilities co-exist in rela- | 69 | (39) | Marinas |
| 17 | tive harmony. | 70 | (40) | Medical and dental clinics |
| 18 | • Development that balances the needs of | 71 | (41) | Municipal buildings |
| 19 | a resort town and a residential village. | 72 | (42) | Municipal utility facilities |
| 20 | • Designs that meet the architectural | 73 | (43) | Music stores |
| 21 | standards and enhance the Village's his- | 74 | (44) | Newspaper and magazine stores |
| 22 | toric architecture. | 75 | (45) | Office supplies and business ma- |
| 23 | (a) <u>Permitted Uses:</u> (<i>Amended Ordinance</i> | 76 | | chine stores |
| 24 | <i>188-071211</i>) | 77 | (46) | Optical stores |
| 25 | (1) Antique and collectors stores | 78 | (47) | Paint, glass and wallpaper stores |
| 26 | (2) Art galleries or studios for photog- | 79 | (48) | Parks |
| 27 | raphy, painting, music, sculpture, | 80 | (49) | Pet stores and pet grooming |
| 28 | dance, pottery and jewelry | 81 | (50) | Pharmacy or drug store |
| 29 | (3) Auto sales and service | 82 | (51) | Photography studios |
| 30 | (4) Art supply stores | 83 | (52) | Physical fitness centers |
| 31 | (5) Banks/financial institutions | 84 | (53) | Plumbing and heating supplies |
| 32 | (6) Barber shops, beauty salons and | 85 | (54) | Printing services |
| 33 | spas | 86 | (55) | Professional offices |
| 34 | (7) Bed and breakfasts | 87 | (56) | Public parking lots |
| 35 | (8) Boat sales and service | 88 | (57) | Real estate offices |
| 36 | (9) Book or stationery stores | 89 | (58) | Radio and television studios |
| 37 | (10) Camera and photographic supply | 90 | (59) | Restaurant |
| 38 | stores | 91 | (60) | Retail electronic equipment sales |
| 39 | (11) Catering services | 92 | (61) | Self-service laundry and dry- |
| 40 | (12) Churches | 93 | | cleaning |
| 41 | (13) Cinema, theater or performance hall | 94 | (62) | Shoe and leather goods stores |
| 42 | (14) Clothing stores | 95 | (63) | Single family housing as of January |
| 43 | (15) Commercial laundries | 96 | | 1, 2007 |
| 44 | (16) Convenience store | 97 | (64) | Sporting goods stores |
| 45 | (17) Craft stores | 98 | (65) | Taverns or cocktail lounges |
| 46 | (18) Dance studio | 99 | (66) | Tobacco stores |
| 47 | (19) Florists | 100 | (67) | Trade and contractor shops |
| 48 | (20) Food stores | 101 | (68) | Travel agencies |
| 49 | (21) Funeral homes | 102 | (69) | Variety stores |
| 50 | (22) Gasoline service stations | 103 | (70) | Video productions |
| 51 | (23) Gift shops | 104 | (71) | Video tape sales and rental |
| 52 | (24) Group day care centers | | | |
| 53 | (25) Hardware stores | | | |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0320 B-1 GENERAL BUSINESS DISTRICT

SEC. 66.0320 B-1 GENERAL BUSINESS DISTRICT

- (b) Permitted Accessory Uses: (Amended Ordinance 188-071211)
- (1) Accessory uses and structures. See section 66.0501 [See page 92]
- (2) Outdoor Displays. See section 66.0506 [See page 102]
- (3) Solar collectors attached to the principal structure.
- (4) Accessory Residential Use. One single-family dwelling and a non-transient residential unit, located on the same property as the business provided that there shall be a minimum floor area as provided below. The on-site parking required for the accessory residential units must be available on site. (Amended Ordinance 128-061207)

| Bedrooms | Minimum area |
|------------|--------------|
| Efficiency | 700 |
| 1 | 750 |
| 2 or more | 850 |

- (c) Conditional Uses: (Amended Ordinance 188-071211)

- (1) Apartments (Subject to 66.0320(g)(2))
- (2) Commercial recreation facilities (indoor and outdoor), such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, health clubs, miniature golf facilities, pool and billiard halls and indoor skating rinks.
- (3) Congregate housing (Subject to 66.0320(g)(2))
- (4) Flea markets
- (5) Solar energy as accessory structure
- (6) Motor home and recreational vehicle sales and service
- (7) Non-village utility facilities
- (8) Light assembly, light manufacturing and related activities
- (9) Residential condominiums (Subject to 66.0320(g)(2))
- (10) Seasonal employee housing (Subject to 66.0320(g)(2))
- (11) Storage and related (Subject to 66.0320(g)(1))

- (d) Lot Area and Width:

- (1) Lots not served by public sewer shall be a minimum of 25,000 square feet in area and shall have a lot width of at least 100 feet. Corner lots shall have a lot width of at least 110 feet.

- (2) Lots shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.

- (3) Lots served by public sewer shall be a minimum of 20,000 square feet in area and shall have a lot width of at least 60 feet. Corner lots shall have a lot width of at least 110 feet.

- (e) Building Height and Area:

- (1) No principal building shall exceed 35 feet in height. No accessory building shall exceed 35 feet in height.
- (2) The total of the floor area on all floors of the principal building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 80 percent of the lot area and the balance shall be left as open space. (Amended Ordinance 159-120809)

- (f) Setbacks:

- (1) There shall be a minimum building front setback of at least 45 feet from the centerline of the right-of-way of all streets.
- (2) There shall be a minimum front setback of at least 40 feet from the edge of the easement or edge of pavement for all buildings not on a public street.
- (3) There shall be a side setback on each side of all principal buildings of not less than ten feet. However, this may be increased upon the recommendation of the Village Engineer in order to accommodate the required grading between properties.
- (4) There shall be a rear setback of at least 20 feet.
- (5) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 92] of this chapter. (Amended Ordinance 207-100912)

- (g) Special Standards.

This section supplements the standards contained in section 66.0320(d) through 66.0320(f). It provides standards for the following land uses in order to control the

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0320 B-1 GENERAL BUSINESS DISTRICT

SEC. 66.0320 B-1 GENERAL BUSINESS DISTRICT

scale and compatibility of those uses with-
in the B-1 district:

(1) The Plan Commission shall apply at
a minimum the following standards
when considering a conditional use
permit for storage buildings. The
minimum space for a storage unit
would be 1500 square feet and the
buildings containing the units will
be constructed of non-metal materi-
als other than doors and windows.
A storage building shall not contain
more than four storage units. Real or
false windows will be installed on
the exterior facing walls to reduce
the long blank wall appearance.
The buildings shall be set back a
minimum of 250 feet from the cen-
terline of State Highways 42 or 57
and screened from the highway by
other buildings. The storage spaces
may be for actual storage or to al-
low the owner or occupant to work
within the storage building for the
purposes of maintaining their be-
longings such as autos, boats and
other belongings. The buildings
shall have fire sprinklers upon oc-
cupancy. No overnight storage or
parking of material, vehicle, etc.
outside is permitted and none of the
overhead doors shall be visible from
an adjacent residential property.
(Amended Ordinance 130-071007)

(2) New apartment, congregate hous-
ing, seasonal employee housing and
residential condominium buildings
shall comply with the building
height and area standards as well as
the unit density requirements in the
R-2 district Section 66.0312 as well
as the other requirements as exist
including the requirement that the
property is served by public sewer
and water. The conversion of exist-
ing commercial buildings into
apartments, congregate housing,
seasonal employee or residential
housing shall comply with the resi-
dential parking requirements. As
part of the conversion of an existing
commercial building to one of the
listed uses above, if there is any
building addition at that time or in
the future, the building addition is
subject to the building height and

area standards as well as the unit
density requirements in the R-2 dis-
trict Section 66.0312 as well as the
other requirements as exist.
(Amended Ordinance 165-120809)

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0320 B-1 GENERAL BUSINESS DISTRICT

SEC. 66.0320 B-1 GENERAL BUSINESS DISTRICT

1

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

1 **Sec. 66.0322 B-2 Downtown Business Transition District**

2 The Downtown Business Transition district (B-2) is
3 intended to complement the Village's downtown
4 business district by providing a transition zone ad-
5 jacent to the B-3 Downtown Business district.
6 While the dominate uses in the B-2 district are
7 residential, the area is in the process of changing
8 to a mixture of business and residential uses. This
9 transition area is typified by small lots, and build-
10 ings with minimal setbacks. The intent of the B-2
11 Downtown Transition district is to permit conver-
12 sion of existing residential buildings to business
13 uses and to permit the construction of new com-
14 mercial buildings and to have North Bay Shore
15 Drive remain the primary downtown shopping
16 street. This section provides standards for the or-
17 derly improvement and development of the
18 downtown district transition based on the follow-
19 ing principles:
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- 21 • Development that is consistent with the
22 natural environment.
- 23 • Development that maintains the Village's
24 traditional small town appearance, in
25 which its housing, shops, work places,
26 parks and civic facilities co-exist in rela-
27 tive harmony.
- 28 • Development that balances the needs of
29 a resort town and a residential village.
- 30 • Efficient use of land and urban services.
- 31 • A mixture of land uses to encourage
32 walking as an alternative to driving, pro-
33 vide more employment and housing op-
34 tions.
- 35 • Development, which serves as a buffer
36 between residential neighborhoods and
37 the downtown business district.
- 38 • Designs that meet the architectural
39 standards and enhance the Village's his-
40 toric architecture.

41 (a) Permitted Uses: (Amended Ordinance 42 217-081313)

- 43 (1) Antique and collectors stores
- 44 (2) Art galleries or studios for photog-
45 raphy, painting, music, sculpture,
46 dance, pottery and jewelry
- 47 (3) Art supply stores
- 48 (4) Barber shops, beauty salons and
49 spas
- 50 (5) Bed and breakfasts

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- (6) Book or stationery stores
- (7) Camera and photographic supply
stores
- (8) Cinema, theater or performance hall
- (9) Clothing stores
- (10) Convenience store
- (11) Craft stores
- (12) Dance studio
- (13) Florists
- (14) Food stores
- (15) Gift shops
- (16) Hobby and craft shops
- (17) Hotel/condominium
- (18) Hotel/motel
- (19) Infrastructure essential services
- (20) Information centers
- (21) Jewelry stores
- (22) Licensed massage therapy and body
work as certified by the State
- (23) Marinas
- (24) Municipal utility facilities
- (25) Music stores
- (26) Newspaper and magazine stores
- (27) Parks
- (28) Photography studios
- (29) Physical fitness centers
- (30) Public parking lots
- (31) Real estate offices
- (32) Restaurant
- (33) Retail electronic equipment sales
- (34) Self-service laundry and dry-
cleaning
- (35) Shoe and leather goods stores
- (36) Single family housing as of Septem-
ber 1, 2010
- (37) Sporting goods stores
- (38) Taverns or cocktail lounges
- (39) Tobacco stores
- (40) Travel agencies
- (41) Variety stores
- (42) Video tape sales and rental

(b) Conditional Uses: (Amended Ordinance 217-081313)

- (1) Commercial recreation facilities (in-
door and outdoor), such as arcades,
bowling alleys, clubs, dance halls,
driving ranges, gymnasiums, health
clubs, miniature golf facilities, pool
and billiard halls and indoor skating
rinks.
- (2) Liquor stores
- (3) Solar energy as accessory structure
- (4) Non-village utility facilities

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

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- (d) Permitted Accessory Uses: (*Amended Ordinance 217-081313*)
- (1) Accessory structures. See section 66.0501 [See page 92]
- (2) Outdoor displays. See section 66.0506 [See page 102]
- (3) Professional offices
- (4) Accessory residential use. Residential units and commercial transient lodging located on a ground or non-ground level on the same property shall be allowed with the minimum floor area as provided below. The on-site parking required for the accessory residential units must be available on site and cannot be located elsewhere through the payment of a fee as allowed under section 66.0322(h)(4) and (5).

| Bedrooms | Minimum area |
|------------|--------------|
| Efficiency | 700 |
| 1 | 750 |
| 2 or more | 850 |

- (e) Building Setbacks:
- The homes in the transition district are typically located on smaller irregularly shaped lots with minimal setbacks. In the transition district, homes and business buildings will operate in close proximity to one another. The setback standards are minimal to reflect the difficulty of dealing with small lots and narrow road right-of-way. Building setbacks are measured from the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures.
- (1) Front Yard Setbacks. The minimum front yard setback is at least 35 feet from the centerline of the street right-of-way or 15 feet from the property line whichever is greater, except where a parcel adjoins the side lot line of another parcel fronting on the same street with a lesser setback, in which case the minimum front yard setback shall be the average of the setback of the new building and the setback of the adjoining parcel with the least setback.
- (2) Rear Yard Setbacks.
- a. Minimum Setback. The minimum rear yard setback for

all structures shall be at least 15 feet for street access lots, and at least eight feet for alley access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.

- b. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in 66.0322(d)(1) shall apply.
- (3) Side Yard Setbacks. The minimum side yard setback shall be at least ten feet. The Plan Commission may grant a waiver where the adjoining property owners enter into a written recordable agreement agreeing to a lesser setback distance. (Amended Ordinance 161-120809)
- (4) Lot Coverage. There shall be a minimum of 20 percent open space and the balance shall not include the required parking, driveways and sidewalks on the lot as required by section 66.1050(a)(23). (Amended Ordinance 159-120809).
- (5) Lot Area and Width
- a. Lot Area. Lots shall be a minimum of 4,500 square feet in area.
- b. Lot Width. Lots shall have a lot width of at least 45 feet. Corner lots shall have a lot width of at least 55 feet.
- (6) Building Standards
- a. There shall be no minimum floor area for buildings used solely for business purposes.
- b. The minimum floor area for a mixed-use residential and business building shall be at least 2,000 square feet.
- c. The minimum floor area for residential buildings shall be the same as section 66.0314. [See page 25]
- d. All principal residential dwellings, excluding attached garages, shall have a minimum width of at least 24 feet for the main body of the house.

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SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

1 e. The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood; wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry type veneer materials or other similar materials. 56
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11 f. All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1), Wisconsin Statutes and chapter ILHR 21, Wis. Admin. Code. 66
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20 (7) If the size of the project includes parcels aggregating 20,000 square feet or more, the Plan Commission may impose the following standard: 75
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24 a. Front Yard Setbacks. The minimum front yard setback is 40 feet from the centerline of the street right-of-way or 20 feet from the edge of pavement whichever is more, except where a parcel adjoins the side lot line of another parcel fronting on the same street with a lesser setback, in which case the minimum front yard setback shall be the average of the setback of the new building and the setback of the adjoining parcel with the least setback. The setback for a reconstructed non-conforming structure shall be no closer than eight feet from the right-of-way to provide for the installation of a five-foot public sidewalk. (Amended Ordinance 120-061306) 79
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49 (f) Block Layout and Building Orientation: 104
50 This section is intended to promote the walkable mixed-use residential and commercial district by forming short blocks and orienting (placing or locating) buildings closer to streets. Placing buildings close to the street also slows traffic down and pro- 105
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vides more “eyes on the street,” increasing the safety of public spaces. The standards, as listed on the following page compliment the front yard setback standards in section 66.0322(d).

(1) Applicability. This section applies to new land divisions and all of the following types of development (i.e., subject to Site Design Review) and compliance with all of the provisions of subsections (a) and (b), below, shall be required:

a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

b. Business and mixed-use buildings subject to site design review.

(2) Block Layout Standard. New land divisions and developments, which are subject to Site Design Review, shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 400 feet, and a depth not exceeding 400 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct and convenient access to building entrances and off-street parking.

(3) Building Orientation Standard. All of the developments listed in section 66.0322(e)(1) shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

a. The minimum and maximum setback standards in section 66.0322(d) are met;

b. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby

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SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

entrances, entrances oriented to pedestrian plazas, or breezeway courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding ten feet in length is provided between the building entrance and the street right-of-way.

c. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street, which is used to comply with subsection 66.0322(e)(2), above. On corner lots, buildings and their entrances shall be oriented to the street corner; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

(g) Building Height:

(1) All buildings in the district shall comply with the following building height standards. The standards are intended to allow for development of buildings in accord with Section 66.1051. (Amended Ordinance 160-120809)

(2) Buildings shall be no more than 35 feet in height.

(3) If a parcel is larger than one acre and the proposed development is for a hotel/motel or hotel/condominium then the developer shall be able to increase the building height to 45 feet as follows: (*Amended Ordinance 217-081313*)

a. The floor area of the fourth story shall not exceed the floor area of the first floor retail or general restaurants, fast food restaurants, drive-in restaurants and take-out restaurants uses. The floor area used by the hotel/motel or hotel/condominium on the first floor shall not count as a retail type use. (*Amended Ordinance 217-081313*)

b. The fourth story shall be stepped back from the third story as approved by the Commission.

(g) Pedestrian Amenities.

(1) Purpose and Applicability. This section is intended to complement the building orientation standards in section 66.0322(e), and the street standards, by providing comfortable and inviting pedestrian spaces within the transition district. Pedestrian amenities contribute to a walkable district. This section applies to all of the following types of buildings:

a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

b. Business and mixed-use buildings subject to site design review.

c. One and two family dwellings.

(2) Guidelines and Standards. Every development shall provide and maintain a public sidewalk with a minimum width of six feet across the front of the parcel and side yard abutting a public street. (*Amended Ordinance 217-081313*)

(h) Special Standards Uses:

This section supplements the standards contained in section 66.0322(d) through 66.0322(g). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the transition district:

(1) Mixed-use Development Allowed. Residential uses shall be permitted as an accessory use when part of a mixed-use development (residential with commercial use). Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed.

(2) Residential Density. There is no minimum or maximum multifamily

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SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

1 residential density standard. Density 56
 2 shall be controlled by the applica- 57
 3 ble lot coverage, parking require- 58
 4 ments, landscaping requirements 59
 5 and building height standards. 60
 6 (3) Parking, Garage and Driveway Ori- 61
 7 entation. All off-street vehicle park- 62
 8 ing, including surface lots and gar- 63
 9 ages, loading docks and overhead 64
 10 doors shall be oriented to alleys, or 65
 11 located in parking areas located be- 66
 12 hind or to the side of the building; 67
 13 except that side yards facing a street 68
 14 (i.e., corner yards) shall not be used 69
 15 for surface parking. All garage en- 70
 16 trances facing a street (e.g., struc- 71
 17 tured parking) shall be recessed be- 72
 18 hind the front building elevation by 73
 19 a minimum of four to six feet. On 74
 20 corner lots, garage entrances shall 75
 21 be oriented to a side street when 76
 22 access cannot be provided from an 77
 23 alley. 78
 24 (4) Parking Spaces Required. The Vil- 79
 25 lage recognizes the challenges of 80
 26 providing the necessary parking 81
 27 spaces in the transition district and 82
 28 thereby establishes the following 83
 29 standard for the district. The de- 84
 30 tailed requirements for parking lots 85
 31 and spaces are covered in section 86
 32 66.0403. [See page 81] The Plan 87
 33 Commission may allow a landown- 88
 34 er to meet the parking requirement 89
 35 by providing the required parking 90
 36 spaces either on site, on another 91
 37 privately owned site as required un- 92
 38 der section 66.0404 Adjustments to 93
 39 Required Parking [See page 86]. No 94
 40 development shall avoid the need to 95
 41 provide parking spaces by claiming 96
 42 credit for on street parking spaces or 97
 43 public parking lots. The parking 98
 44 spaces required for motels, hotels, 99
 45 all types of condominiums, access- 100
 46 ory residential uses must be provided 101
 47 on site, and no fee in lieu of creat- 102
 48 ing spaces in subsection (6) will be 103
 49 allowed. 104
 50 (5) Fee In Lieu of Creating Parking 105
 51 Spaces. Please refer to Section 106
 52 66.0404(b) [See page 86] (Amended 107
 53 Ordinance 120-061306) 108
 54 (6) Common Areas. All common areas 109
 55 (e.g., walkways, drives, courtyards,

private alleys, parking courts, etc.)
 and building exteriors shall be
 maintained by an association or the
 owner. Copies of any applicable
 covenants, restrictions and condi-
 tions shall be recorded and provid-
 ed to the Village prior to zoning
 permit approval.
 (7) Exemption. When the application of
 the off-street parking regulations
 specified above result in a require-
 ment of not more than three spaces
 on a single lot in the transition dis-
 trict, such parking spaces need not
 be provided. However, where two
 or more businesses are located on a
 single lot, only one of these uses
 shall be eligible for this exemption.
 This exemption shall not apply to
 dwelling units.
 (8) Automobile-Oriented Uses and Fa-
 cilities. Automobile-oriented uses
 and facilities, as defined below shall
 conform to all of the following
 standards in the transition district.
 The standards are intended to slow
 traffic down and encourage walk-
 ing.
 (9) Parking, Garages and Driveways.
 All off-street vehicle parking, in-
 cluding surface lots and garages,
 loading docks and overhead doors
 shall be accessed from alleys, or lo-
 cated in parking areas located be-
 hind or to the side of a building; ex-
 cept that side yards on corner lots
 shall not be used for surface park-
 ing. All garage entrances facing a
 street (e.g., structured parking) shall
 be recessed behind the front eleva-
 tion by a minimum of six feet. On
 corner lots, garage entrances shall
 be oriented to a side street when
 vehicle access cannot be provided
 from an alley.
 (10) Other Garages and Accessory Build-
 ings. (*Amended Ordinance 186-
 061411*)
 a. The Plan Commission may
 approve as a conditional use
 detached garages in the B-2
 district for adjacent residen-
 tial uses under the following
 conditions:

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION DISTRICT

42

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION
DISTRICT

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION
DISTRICT

- 1 (Walk-up only teller ma-
2 chines and kiosks may be
3 oriented to a corner).
4 c. The facility is subordinate to
5 a primary permitted use.
6 "Subordinate" means all
7 components of the facility, in
8 total, occupy less street
9 frontage than the primary
10 commercial or public institu-
11 tional building.
12 d. No more than one drive-up,
13 drive-in or drive-through fa-
14 cility shall be permitted on
15 one block, or for a distance
16 of 400 linear feet along the
17 same street frontage, which-
18 ever is less.
19
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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION
DISTRICT

SEC. 66.0322 B-2 DOWNTOWN BUSINESS TRANSITION
DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

1 Sec. 66.0323 B-3 Downtown Business District

2 The Downtown Business district (B-3) is intended
3 to apply to the Village's downtown business dis-
4 trict and Village center. This area is typified by
5 small lots, and buildings with minimal setbacks.
6 The downtown business district is intended to of-
7 fer greater flexibility in area requirements and set-
8 back requirements than other districts in order to
9 promote the reuse of buildings and lots and the
10 construction of new developments in the down-
11 town business district consistent with the existing
12 scale of development. The character, appearance
13 and operation of any business in the downtown
14 district should be compatible with any surround-
15 ing areas. The goal of the Village is to strengthen
16 the downtown district as the "heart" of the com-
17 munity and as the logical place for people to
18 gather and create a business center. The down-
19 town district is intended to support this goal
20 through elements of design and appropriate
21 mixed-use development. This section provides
22 standards for the orderly improvement and expan-
23 sion of the downtown district based on the follow-
24 ing principles:

- 25 • Development that is consistent with the
26 natural environment.
- 27 • Development that maintains the Village's
28 traditional small town appearance, in
29 which its housing, shops, work places,
30 parks and civic facilities co-exist in rela-
31 tive harmony.
- 32 • Development that balances the needs of
33 a resort town and a residential village.
- 34 • Efficient use of land and urban services.
- 35 • A mixture of land uses to encourage
36 walking as an alternative to driving, pro-
37 vide more employment and housing op-
38 tions.
- 39 • Downtown provides both formal and in-
40 formal community gathering places.
- 41 • The downtown district is connected to
42 neighborhoods and other employment
43 areas.
- 44 • Designs that meet the architectural
45 standards and enhance the Village's his-
46 toric architecture.

47 (a) Permitted Uses: (*Amended Ordinance* 48 *217-081313*)

- 49 (1) Antique and collectors stores

- (2) Art galleries or studios for photog-
raphy, painting, music, sculpture,
dance, pottery and jewelry
- (3) Art supply stores
- (4) Barber shops, beauty salons and
spas
- (5) Bed and breakfasts
- (6) Boat sales
- (7) Book or stationery stores
- (8) Camera and photographic supply
stores
- (9) Cinema, theater or performance hall
- (10) Clothing stores
- (11) Convenience store
- (12) Craft stores
- (13) Dance studio
- (14) Florists
- (15) Food stores
- (16) Gasoline service stations as of Sep-
tember 1, 2010
- (17) Gift shops
- (18) Hardware stores
- (19) Hobby and craft shops
- (20) Hotel/motel
- (21) Hotel/condominium
- (22) Infrastructure essential services
- (23) Information centers
- (24) Jewelry stores
- (25) Licensed massage therapy and body
work as certified by the State
- (26) Marinas
- (27) Municipal utility facilities
- (28) Music stores
- (29) Newspaper and magazine stores
- (30) Parks
- (31) Photography studios
- (32) Physical fitness centers
- (33) Public parking lots
- (34) Real estate offices
- (35) Restaurants
- (36) Retail electronic equipment sales
- (37) Self-service laundry and dry-
cleaning
- (38) Shoe and leather goods stores
- (39) Single family housing as of January
1, 2004
- (40) Sporting goods stores
- (41) Taverns or cocktail lounges
- (42) Tobacco stores
- (43) Travel agencies
- (44) Variety stores
- (45) Video tape sales and rental

(b) Conditional Uses: (*Amended Ordinance* *217-081313*)

- (1) Commercial recreation facilities (in-
door and outdoor), such as arcades,

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

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bowling alleys, clubs, dance halls,
driving ranges, gymnasiums, health
clubs, miniature golf facilities, pool
and billiard halls and indoor skating
rinks.
(2) Liquor stores
(3) Solar energy as accessory structure
(4) Non-village utility facilities
(5) Gasoline stations or automobile re-
pair
(c) Permitted Accessory Uses: (*Amended Or-
dinance 217-081313*)
(1) Accessory uses and structures. See
section 66.0501 [See page 92]
(2) Outdoor displays. See section
66.0506 [See page 102]
(3) Professional offices
(4) Accessory residential use. Residen-
tial units and commercial transient
lodging located on a ground or non-
ground level on the same property
shall be allowed with the minimum
floor area as provided below. The
on-site parking required for the ac-
cessory residential units must be
available on site and cannot be lo-
cated elsewhere through the pay-
ment of a fee as allowed under sec-
tion 66.0322(h)(4) and (5).

| | |
|-----------------|---------------------|
| <i>Bedrooms</i> | <i>Minimum area</i> |
| Efficiency | 700 |
| 1 | 750 |
| 2 or more | 850 |

(d) Building Setbacks:
In the downtown district, buildings are
placed closer to the street to create a vi-
brant pedestrian environment, to slow traf-
fic down, provide a storefront character to
the street and encourage walking. The set-
back standards are flexible to encourage
public spaces between sidewalks and
building entrances (e.g., extra-wide side-
walks, plazas, squares, outdoor dining are-
as and pocket parks). The standards also
encourage the formation of solid blocks of
commercial and mixed-use buildings for a
walkable downtown. Building setbacks are
measured from the respective property
line. Setbacks for porches are measured
from the edge of the deck or porch to the
property line. The setback standards, as
listed below, apply to primary structures as
well as accessory structures.
(1) Front Yard Setbacks. The minimum
front yard setback is 40 feet from
the centerline of the street right-of-

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way or 20 feet from the face of the curb, whichever is more, except where a parcel adjoins the side lot line of another parcel fronting on the same street with a lesser setback, in which case the minimum front yard setback shall be the average of the setback of the new building and the setback of the adjoining parcel with the least setback. The setback for a reconstructed non-conforming structure shall be no closer than eight feet from the right-of-way to provide for the installation of an six foot public sidewalk.

(2) Rear Yard Setbacks.

a. Minimum Setback. The minimum rear yard setback for all structures shall be six feet for street access lots, and eight feet for alley access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.

b. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in 66.0323(d)(1) shall apply.

(3) Side Yard Setbacks. The minimum side yard setback shall be at least six feet. The Plan Commission may grant a waiver where the adjoining property owners enter into a written recordable agreement adjusting the minimum side yard setback with the following options: (*Amended Ordinance 161-120809*)

a. Both parties can agree to a zero foot side setback if the building designs are compatible.

b. If only one of the buildings has a zero foot side setback then the other building must have a six-foot side setback.

c. Both parties can agree to three-foot side setbacks for a total of six feet side setback between the buildings.

(4) Lot Coverage

a. Lot Coverage. There shall be a minimum of 10 percent open space and the balance

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

1 shall not include the required 57
2 parking, driveways and 58
3 sidewalks on the lot as re- 59
4 quired by section 60
5 66.1050(a)(23). (Amended 61
6 Ordinance 159-120809) 62
7 (5) Lot Area and Width 63
8 a. Lot Area. The minimum lot 64
9 area shall be 4,500 square 65
10 feet. 66
11 b. Lot Width. The minimum lot 67
12 width shall be 45 feet. 68
13 (6) PUD Allowed. The Plan Commis- 69
14 sion and Board of Trustees may vary 70
15 the Building Setback requirements 71
16 subject to the provisions of the 72
17 Planned Unit Development re- 73
18 quirements in section 66.0341. 74
19 (e) Block Layout and Building Orientation: 75
20 This section is intended to promote the 76
21 walkable, storefront character of down- 77
22 town by forming short blocks and orienting 78
23 (placing or locating) buildings close to 79
24 streets. Placing buildings close to the street 80
25 also slows traffic down and provides more 81
26 "eyes on the street," increasing the safety 82
27 of public spaces. The standards, as listed 83
28 below compliment the front yard setback 84
29 standards in section 66.0323(d). 85
30 (1) Applicability. This section applies to 86
31 new land divisions and all of the 87
32 following types of development 88
33 (i.e., subject to site design review) 89
34 and compliance with all of the pro- 90
35 visions of subsections (a) and (b), 91
36 below, shall be required: 92
37 a. Public and institutional 93
38 buildings, except that the 94
39 standard shall not apply to 95
40 buildings which are not sub- 96
41 ject to site design review or 97
42 those that do not receive the 98
43 public (e.g., buildings used 99
44 solely to house mechanical 100
45 equipment, and similar uses); 101
46 and 102
47 b. Business and mixed-use 103
48 buildings subject to site de- 104
49 sign review. 105
50 (2) Block Layout Standard. New land 106 (f)
51 divisions and developments, which 107
52 are subject to site design review, 108
53 shall be configured to provide an al- 109
54 ley or interior parking court. Blocks 110
55 (areas bound by public street right- 111
56 of-way) shall have a length not ex- 112

ceeding 400 feet, and a depth not
exceeding 400 feet. Pedestrian
pathways shall be provided from the
street right-of-way to interior park-
ing courts between buildings, as
necessary to ensure reasonably safe,
direct and convenient access to
building entrances and off-street
parking.

(3) Building Orientation Standard. All
of the developments listed in sec-
tion 66.0323(e)(1) shall be oriented
to a street. The building orientation
standard is met when all of the fol-
lowing criteria are met:

- a. The minimum and maximum
setback standards in section
66.0323(d) are met;
- b. Buildings have their primary
entrance(s) oriented to (fac-
ing) the street. Building en-
trances may include entranc-
es to individual units, lobby
entrances, entrances oriented
to pedestrian plazas, or
breezeway courtyard en-
trances (i.e., to a cluster of
units or commercial spaces).
Alternatively, a building may
have its entrance facing a
side yard when a direct pe-
destrian walkway not ex-
ceeding 50 feet in length is
provided between the build-
ing entrance and the street
right-of-way.
- c. Off-street parking, driveways
or other vehicular circulation
shall not be placed between
a building and the street,
which is used to comply with
subsection 66.0323(e)(2),
above. On corner lots, build-
ings and their entrances shall
be oriented to the street cor-
ner, parking, driveways and
other vehicle areas shall be
prohibited between buildings
and street corners.

Building Height:

- (1) All buildings in the downtown dis-
trict shall comply with the following
building height standards. The
standards are intended to allow for
development of buildings in accord
with Section 66.1050 with a store-

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

- front character. (*Amended Ordinance 160-120809*)
- (2) Buildings shall be no more than 35 feet in height.
- (3) Accessory residential housing shall comply with section 66.0323(c)(4) and section 66.0323(h)
- (4) If a parcel is larger than one acre and the proposed development is for a hotel/motel or hotel/condominium then the developer shall be able to increase the building height to 45 feet as follows: (*Amended Ordinance 217-081313*)
- a. The floor area of the fourth story shall not exceed the floor area of the first floor retail or general restaurants, fast food restaurants, drive-in restaurants and take-out restaurants uses. The floor area used by the hotel/motel or hotel/condominium on the first floor shall not count as a retail type use. (*Amended Ordinance 217-081313*)
- b. The fourth story shall be stepped back from the third story as approved by the Commission.
- (g) Pedestrian Amenities
- (1) Purpose and Applicability. This section is intended to complement the building orientation standards in section 66.0323(e), and the street standards, by providing comfortable and inviting pedestrian spaces within the downtown district. Pedestrian amenities serve as informal gathering places for socializing, resting and enjoyment of the Village's downtown, and contribute to a walkable district. This section applies to all of the following types of buildings:
- a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
- b. Business and mixed-use buildings subject to site design review.
- (2) Guidelines and Standards. Every development shall provide and maintain a public sidewalk with a minimum width of six feet across the front of the parcel and side yard abutting a public street, an additional 14 feet of landscaping and one or more of the "pedestrian amenities" listed in (a)-(d) below. Other types of amenities and designs may be used. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction. (*Amended Ordinance 217-081313*)
- a. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of eight feet);
- b. Sitting space (i.e., dining area, benches, gazebos or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
- c. Building canopy, awning, pergola or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space).
- d. Streetscape, which incorporates landscaping, seating, fountain, sculpture etc.
- (h) Special Standards Uses:
This section supplements the standards contained in section 66.0322(d) through 66.0322(g). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the district: (*Amended Ordinance 217-081313*)
- (1) Mixed-use Development Allowed. Residential uses shall be permitted as an accessory use when part of a mixed-use development (residential with commercial use). Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

- 1 (2) Residential Density. There is no 56
2 minimum or maximum residential 57
3 density standard. Density shall be 58
4 controlled by the applicable lot 59
5 coverage, parking requirements, 60
6 landscaping requirements and 61
7 building height standards. (*Amend-* 62
8 *ed Ordinance 217-081313*) 63
9 (3) Parking, Garage and Driveway Ori- 64
10 entation. All off-street vehicle park- 65
11 ing, including surface lots and gar- 66
12 ages, loading docks and overhead 67
13 doors shall be oriented to alleys, or 68
14 located in parking areas located be- 69
15 hind or to the side of the building; 70
16 except that side yards facing a street 71
17 (i.e., corner yards) shall not be used 72
18 for surface parking. All garage en- 73
19 trances facing a street (e.g., struc- 74
20 tured parking) shall be recessed be- 75
21 hind the front building elevation by 76
22 a minimum of four to six feet. On 77
23 corner lots, garage entrances shall 78
24 be oriented to a side street when 79
25 access cannot be provided from an 80
26 alley. 81
27 (4) Parking Spaces Required. The Vil- 82
28 lage recognizes the challenges of 83
29 providing the necessary parking 84
30 spaces in the district and thereby es- 85
31 tablishes the following standard for 86
32 the district. The detailed require- 87
33 ments for parking lots and spaces 88
34 are covered in section 66.0403. 89
35 [See page 81] The Plan Commission 90
36 may allow a landowner to meet the 91
37 parking requirement by providing 92
38 the required parking spaces either 93
39 on site, on another privately owned 94
40 site as required under section 95
41 66.0404 Adjustments to Required 96
42 Parking [See page 86]. No devel- 97
43 opment shall avoid the need to pro- 98
44 vide parking spaces by claiming 99
45 credit for on street parking spaces or 100
46 public parking lots. The parking 101
47 spaces required for motels, hotels, 102
48 all types of condominiums, access- 103
49 ory residential uses must be provided 104
50 on site, and no fee in lieu of creat- 105
51 ing spaces in subsection (6) will be 106
52 allowed. (*Amended Ordinance 217-* 107
53 *081313*) 108
54 (5) Fee In Lieu of Creating Parking 109
55 Spaces. Please refer to Section 110
111
112
49
- 66.0404(b) [See page 86] (*Amended Ordinance 120-061306*)
(6) Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by an association or the owner. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the Village prior to zoning permit approval.
(7) Exemption. When the application of the off-street parking regulations specified above result in a requirement of not more than three spaces on a single lot in the district, such parking spaces need not be provided. However, where two or more businesses are located on a single lot, only one of these uses shall be eligible for this exemption. This exemption shall not apply to dwelling units. (*Amended Ordinance 217-081313*)
(8) Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below shall conform to all of the following standards in the district. The standards are intended to slow traffic down and encourage walking. (*Amended Ordinance 217-081313*)
(9) Parking, Garages and Driveways. All off-street vehicle parking, including surface lots and garages, loading docks and overhead doors shall be accessed from alleys, or located in parking areas located behind or to the side of a building; except that side yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of six feet. On corner lots, garage entrances shall be oriented to a side street when vehicle access cannot be provided from an alley.
(10) Lots shall count rights of way to center line for purposes of calculating area, setbacks and open space.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

OTHER DISTRICTS

SEC. 66.0330 I-1 INSTITUTIONAL DISTRICT

1 Other Districts

2 Sec. 66.0330 I-1 Institutional District

3 The I-1 Institutional district is intended to elimi-
4 nate the ambiguity of maintaining, in unrelated
5 use districts, areas that are under public, public
6 related or private ownership and where the use
7 for public purpose is anticipated to be permanent.
8 Uses permitted shall generally serve the public
9 benefit.

10 (a) Permitted Uses:

- 11 (1) Public or private primary and sec-
12 ondary schools.
- 13 (2) Colleges, and universities, exclud-
14 ing fraternity and sorority houses.
- 15 (3) Churches.
- 16 (4) Hospitals, sanatoriums and nursing
17 homes.
- 18 (5) Libraries, community centers, mu-
19 seums and public art galleries.
- 20 (6) Public administrative offices and
21 public service buildings, including
22 fire and police stations; but exclud-
23 ing firing ranges and outdoor "burn
24 buildings" used for fire-fighting in-
25 struction.
- 26 (7) Public utility offices.

27 (b) Permitted Accessory Uses:

- 28 (1) Residential quarters for caretakers,
29 clergy or institutional staff.
- 30 (2) Garages for storage of vehicles used
31 in conjunction with the operation of
32 a permitted use.
- 33 (3) Service buildings and facilities nor-
34 mally accessory to the permitted
35 use.
- 36 (4) Ground-mounted and building-
37 mounted earth station dish and ter-
38 restrial antennas.
- 39 (5) Roof-mounted solar collectors.
- 40 (6) Municipally owned wells, pumping
41 stations, water towers and reservoirs
42 and municipally owned telecom-
43 munications towers and antennas,
44 provided they are located at least 50
45 feet away from any lot line.
- 46 (7) Any other usual and customary uses
47 accessory to the above permitted
48 uses as determined by the Zoning
49 Administrator or his/her designee.

50 (c) Conditional Uses:

- 51 (1) All permitted uses allowed in the B-
52 1 district.
- 53 (2) Cemeteries and crematories.

- 54 (3) Firing ranges and outdoor "burn
55 buildings" associated with a fire sta-
56 tion, police station or college.
- 57 (4) Utility substations, municipal wells,
58 pumping stations and towers if the
59 use is not less than 50 feet from any
60 lot line.
- 61 (5) Transmitting towers, receiving tow-
62 ers, and relay and microwave tow-
63 ers, and broadcast studios.
- 64 (6) Public utility treatment facilities.
- 65 (7) Solar energy collectors erected as
66 an accessory structure.

67 (d) Lot Area and Width:

- 68 (1) Lots in the I-1 district shall provide
69 sufficient area and width for the
70 principal structure(s) and its acces-
71 sory structures, off-street parking
72 and loading areas, and required set-
73 backs.

74 (e) Building Height and Area:

- 75 (1) No principal building or part of a
76 principal building shall exceed 35
77 feet in height.
- 78 (2) Residential uses permitted in the I-1
79 district shall comply with the build-
80 ing area requirements of the R-2
81 Multiple Family Residential district.
82 All other uses in the I-1 district shall
83 comply with the building area re-
84 quirements of the B-1 General Busi-
85 ness district. (Amended Ordinance
86 159-120809)

87 (f) Setbacks:

88 (Amended Ordinance 200-091112)

- 89 (1) There shall be a minimum building
90 front setback of a least 45 feet from
91 the centerline of the right-of-way of
92 all streets.
- 93 (2) There shall be a minimum front set-
94 back of at least 40 feet from the
95 edge of the easement or edge of
96 pavement for all buildings not on a
97 public street.
- 98 (3) There shall be a side setback of at
99 least 20 feet and rear setback of at
100 least 50 feet for all principle build-
101 ings.
- 102 (4) Accessory buildings shall meet the
103 same setbacks as principal buildings
104 in the district. Other accessory
105 building requirements are listed in
106 section 66.0501 [See page 92] of
107 this chapter. (Amended Ordinance
108 207-100912)

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0330 I-1 INSTITUTIONAL DISTRICT

SEC. 66.0330 I-1 INSTITUTIONAL DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0331 P-1 PARK DISTRICT

SEC. 66.0331 P-1 PARK DISTRICT

Sec. 66.0331 P-1 Park District

The P-1 Park district is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Village can be met without undue disturbance of natural resources and adjacent uses.

(a) Permitted Uses:

- (1) Public botanical gardens and arboreta.
- (2) Public historic monuments or sites.
- (3) Public hiking, biking, jogging and nature trails.
- (4) Public parks, beaches, playgrounds and parkways.
- (5) Farm markets. No items shall be sold which were purchased for resale. (Amended Ordinance 150-050409)

(b) Permitted Accessory Uses:

- (1) Buildings accessory to the permitted use.
- (2) Ground-mounted and building-mounted earth station dishes and terrestrial antennas.
- (3) Solar collectors attached to the principal structure.
- (4) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.
- (5) Garden plots. (Amended Ordinance 150-050409)

(c) Conditional Uses:

- (1) Public or private archery ranges.
- (2) Private botanical gardens and arboreta.
- (3) Private beaches.
- (4) Public or private boat moorings and rentals.
- (5) Private or public campgrounds.
- (6) Private driving ranges.
- (7) Public or private golf courses.
- (8) Private gymnasiums.
- (9) Private historic monuments or sites.
- (10) Private hiking, biking, jogging and nature trails.
- (11) Private or public marinas.
- (12) Private miniature golf courses.
- (13) Private parks, playgrounds and parkways.
- (14) Private riding academies.
- (15) Private stadiums.
- (16) Private trampoline centers.
- (17) Utility substations, municipal wells, pumping stations and towers if the

use is not less than 50 feet from any lot line.

(18) Solar energy collectors erected as an accessory structure.

(19) All the conditional uses allowed in the CS-1 district.

(20) All the permitted and conditional uses allowed in the I-1 district.

(d) Building Height and Area:

(1) No building or part of a building shall exceed 35 feet in height.

(2) The total of the floor area on all floors of the principal building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 20 percent of the lot area, which shall be left as open space. (Amended Ordinance 159-120809)

(e) Setbacks:

(1) There shall be a minimum building front setback of at least 50 feet from the centerline of the right-of-way of all streets.

(2) There shall be a minimum front setback of at least 40 feet from the edge of the easement or edge of pavement for all buildings not on a public street.

(3) There shall be a side setback of at least 50 feet and rear setback of at least 50 feet for all principle buildings.

(4) Accessory buildings shall meet the same setbacks as principal buildings in the district. Other accessory building requirements are listed in section 66.0501 [See page 92] of this chapter. (Amended Ordinance 207-100912)

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0331 P-1 PARK DISTRICT

SEC. 66.0331 P-1 PARK DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

OVERLAY DISTRICTS

SEC. 66.0340 W-1 WETLAND OVERLAY DISTRICT

1 **Overlay Districts**

2 Overlay districts provide for the possibility of su-
3 perimposing certain additional requirements upon
4 a basic zoning district without disturbing the re-
5 quirements of the basic district. The uses of the
6 underlying standard zoning district shall remain in
7 force.

8 **Sec. 66.0340 W-1 Wetland Overlay District**

9 The purpose of the Wetland Overlay district (W-1)
10 is to maintain safe and healthful conditions, to
11 prevent water pollution, to protect fishing spawn-
12 ing grounds and aquatic life, to preserve shore
13 cover and natural beauty, and to preserve, pro-
14 tect, and enhance the lakes, streams, swamps,
15 marshes, bogs and other wetlands in the Village.
16 The proper regulation of these areas will serve to
17 maintain and improve groundwater and surface
18 water quality; prevent flood damage, protect fish
19 and wildlife habitat; prohibit the location of struc-
20 tures on soils which are generally not suitable for
21 such use; protect natural watersheds; and protect
22 the water based recreation and open space re-
23 sources of the Village. The W-1 district recognizes
24 that undisturbed wetlands serve as natural purifi-
25 er's of surface waters and as protective buffers at
26 the land water interface. Development in wet-
27 lands should be limited and when development is
28 permitted in a wetland, it should occur in a man-
29 ner that minimizes the adverse impacts upon the
30 wetlands.

31 Boundaries of the W-1 district were based on the
32 wetlands that were identified on the Wisconsin
33 Wetland Inventory Map for the Village of Sister
34 Bay, dated July 1, 1992. The wetlands included as
35 W-1 are those wetlands that are two acres or
36 more in area and lie within 300 feet of a naviga-
37 ble stream, 1,000 feet from a lake or pond or to
38 the landward side of a floodplain, whichever is
39 greater.

40 (a) Permitted Uses.

- 41 (1) Hiking, fishing, swimming and boat-
42 ing, unless prohibited by other laws
43 and ordinances.
44 (2) Harvesting of wild crops, such as
45 marsh hay, ferns, moss, wild rice,
46 berries, tree fruits and tree seeds, in
47 a manner that is not injurious to the
48 natural reproduction of such crops,
49 and that does not involve filling,
50 flooding, draining, dredging, ditch-
51 ing, tiling, or excavating.
52 (3) Silviculture (forest maintenance),
53 including the planting, thinning,
54 and harvesting of timber, provided

that no filling, flooding, draining,
dredging, ditching, tiling, or exca-
vating is done except for temporary
water level stabilization measures to
alleviate abnormally wet or dry
conditions which would have an
adverse impact on silvicultural ac-
tivities if not corrected.

- (4) Construction and maintenance of
fences.
(5) Existing agricultural uses provided
that they do not involve extension
of cultivated areas, extension of or
creation of new drainage systems,
and further provided that they do
not substantially disturb or impair
the natural fauna (animals), flora
(plants), topography, or water regi-
men.
(6) Aquaculture (the growing of plants
and animals in water), provided it
does not disturb or impair the natu-
ral biota (plants and animals).
(7) The maintenance, repair, replace-
ment and reconstruction of existing
public streets, roads, bridges and
drainageways.

(b) Conditional Uses.

- (1) The construction of streets which
are necessary for the continuity of
the Village street system, necessary
for the provision of essential utility
and public safety services, or neces-
sary to provide access to permitted
open space uses, provided that:
a. The street cannot as a practi-
cal matter be located outside
the W-1 district;
b. The street is designed and
constructed to minimize ad-
verse impact upon the natu-
ral functions of the wetland
as listed in section
66.1708(b) [See page 165] of
this chapter;
c. The street is designed and
constructed with the mini-
mum cross section practical
to serve the intended use;
d. The street construction ac-
tivities are carried out in the
immediate area of the road-
bed only; and
e. Any filling, flooding, drain-
ing, dredging, ditching, tiling
or excavating that is done

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0340 W-1 WETLAND OVERLAY DISTRICT

SEC. 66.0340 W-1 WETLAND OVERLAY DISTRICT

- 1 must be necessary for the 57
2 construction or maintenance 58
3 of the street. 59
4 (2) The construction and maintenance 60
5 of non-residential buildings used 61
6 solely in conjunction with raising of 62
7 waterfowl, minnows, or other wet- 63
8 land or aquatic animals or used 64
9 solely for some other purpose which 65
10 is compatible with natural resource 66
11 preservation, provided that: 67
12 a. The building cannot as a 68
13 practical matter be located 69
14 outside the conservancy dist- 70
15 rict; 71
16 b. The building is not designed 72
17 for human habitation and 73
18 does not exceed 500 square 74
19 feet in area; and 75
20 c. Only limited filling or exca- 76
21 vating necessary to provide 77
22 structural support is con- 78
23 ducted. 79
24 (3) The establishment and development 80
25 of public and private parks and rec- 81
26 reation areas, recreation trails, pub- 82
27 lic boat access sites, natural and 83
28 outdoor education areas, historic 84
29 and scientific areas, wildlife refuges, 85
30 game preserves, and private habitat 86
31 areas, provided that: 87
32 a. Parks shall be limited to pas- 88
33 sive activities. No ball dia- 89
34monds, tennis courts, play- 90
35 fields, playgrounds or other 91
36 active recreation areas shall 92
37 be constructed in a wetland; 93
38 b. Any private recreation or 94
39 wildlife habitat area must be 95
40 exclusively for that purpose; 96
41 c. No filling is to be done; and 97
42 d. Ditching, excavating, dredg- 98
43 ing, dike and dam construc- 99
44 tion may be done in wildlife 100
45 refuges, game preserves and 101
46 private wildlife habitat areas, 102
47 but only for improving wild- 103
48 life habitat or to otherwise 104
49 enhance the value of a wet- 105
50 land or other natural re- 106
51 source. 107
52 (4) The construction and maintenance 108
53 of electric, gas, telephone, water
54 and sewer transmission and distri-
55bution lines, and related facilities,
56 by public utilities and cooperative
- associations organized for the pur-
pose of producing or furnishing
heat, light, power or water to mem-
bers and customers located outside
of the W-1 district, provided that:
a. The transmission and distri-
bution lines and related facil-
ities cannot as a practical
matter be located outside the
conservancy district; and
b. Any filling, draining, dredg-
ing, ditching, or excavating
that is done must be neces-
sary for the construction or
maintenance of the utility,
and must be done in a man-
ner designed to minimize
flooding and other adverse
impacts upon the natural
functions of the conservancy
area.
(5) Ditching, tiling, dredging, excavat-
ing or filling done to maintain or re-
pair an existing agricultural drain-
age system only to the extent neces-
sary to maintain the level of drain-
age required to continue the exist-
ing agricultural use.
(6) The construction and maintenance
of piers, docks and walkways, in-
cluding those built on pilings.
(c) Prohibited Uses.
(1) Any use not listed as a permitted
use or a conditional use is prohibit-
ed unless the W-1 district lands
concerned are first rezoned into an-
other district.
(2) The use of a boathouse for human
habitation and the construction or
placement of a boathouse or fixed
houseboat below the ordinary high-
water mark of any navigable water
is prohibited.
(d) Wetlands Used for Density Calculation.
Where a lot is located partially within a W-
1 district and partially within an adjoining
use district, that area of the parcel in the
W-1 district may be used to meet the min-
imum lot area requirements; provided that
adequate adjacent upland space is availa-
ble for the structure and related grading.

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SEC. 66.0340 W-1 WETLAND OVERLAY DISTRICT

SEC. 66.0340 W-1 WETLAND OVERLAY DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Sec. 66.0341 PUD Planned Unit Development Overlay District

The PUD Planned Unit Development Overlay district is intended to permit developments that will, over a period, be enhanced by coordinated area site planning, diversified location of structures, diversified building types and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD overlay district under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district.

(a) Permitted uses.

Uses permitted in a PUD district shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one or more locations within the development.

(b) Minimum area requirements.

(1) Areas designated as PUD districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

| <i>Principal Uses</i> | <i>Minimum Area of PUD</i> |
|-----------------------|--------------------------------|
| Residential PUD | 1.0 acres |
| Business PUD | 1.5 acres |
| Mixed Compatible Use | 1.5 acres |

(c) Procedural requirements.

(1) Pre-Application Conference. Prior to the official submission of the application for the approval of a PUD

district, the owner or agent making such application shall meet with the Zoning Administrator to discuss the scope and proposed nature of the contemplated development.

(2) Application. Following the pre-application conference, the owner or his/her agent may file an application with the Zoning Administrator for approval of a PUD district. Such application shall be accompanied by a filing fee, as required by the Municipal Code of the Village, and the following information:

a. A statement which sets forth the relationship of the proposed PUD to the Village's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including, but not limited to, the following information:

1. Total area to be included in the PUD, area of open space, residential density computations, the amount of business space by type of use, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
3. A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for providing

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SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

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| 1 | | any necessary private | 56 |
| 2 | | services. | 57 |
| 3 | 4. | Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations or administrative rules, or other universal guidelines. | 58 |
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| 12 | 5. | The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted. If applicable, a statement indicating the type of Federal or State program being used to provide a subsidy or less-than-market rents for the units proposed. | 67 |
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| 32 | b. | A general development plan including, but not limited to: | 87 |
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| 34 | 1. | A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties. | 89 |
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| 41 | 2. | The location of public and private roads, driveways and parking facilities. | 96 |
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| 45 | 3. | The size, arrangement and location of any individual building sites and proposed building groups on each individual site. | 100 |
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| 51 | 4. | The location of institutional, recreational and open space areas and areas reserved or dedicated for public | 106 |
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| | | uses, including schools, parks and drainageways. | |
| | 5. | The type, size and location of all structures. | |
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| | 6. | General landscape treatment. | |
| | 7. | Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures. | |
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| | 8. | The existing and proposed location of public sanitary sewer and water supply facilities. | |
| | 9. | The existing and proposed location of all private utilities or other easements. | |
| | 10. | Characteristics of soils related to contemplated specific uses. | |
| | 11. | Existing topography on the site with contours at no greater than two-foot intervals. | |
| | 12. | Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses. | |
| | 13. | Anticipated phasing of the development, if applicable. | |
| (3) | | Referral to Plan Commission. The application for a PUD district shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions, which it may deem necessary or appropriate. For such an application, property owners within 300 feet of the subject property will be sent a notice of the meeting at which it will be discussed. In addition to the notice, a copy of the Plan Commission report | |

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will be sent; which will provide an explanation of the proposal, as well as the Zoning Administrator's recommendation. As soon as is practicable following the meeting, the Plan Commission, through the Zoning Administrator, shall report its findings and recommendations to the Village Board; which may be a recommendation for approval, approval with conditions or denial of the application.

(4) Village Board Public Hearing. Following the Plan Commission public hearing and the formulation of the Plan Commission recommendation, the Village Board shall hold a public hearing pursuant to the requirements of section 66.1705 [See page 165] and section 66.1801 [See page 166] of this chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested PUD district. Following the public hearing, the Village Board shall decide whether the PUD district application is to be granted or denied.

(d) Basis for approval of the application.

(1) The Plan Commission in making its recommendation and the Village Board in making its determination shall consider:

a. That the applicants for the proposed PUD district have indicated that they intend to begin and complete the physical development of the PUD within a time frame approved by the Village Board, after recommendation by the Plan Commission.

b. That the proposed PUD district is consistent in all respects to the purpose of this section and to the spirit and intent of this chapter; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.

c. The constraint or burden that will be imposed on public services, public utilities and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.

d. All property to be included in a PUD district shall be held in single ownership. However, if there is more than one owner, the applicants shall create a property owners association; whose responsibility it shall be to agree upon any plan prior to it being presented to the Plan Commission for approval and, thereafter, shall be the responsible entity for the maintenance of the exterior of all buildings, as well as all common areas within its PUD district. The bylaws of this association, which contain its duties and responsibilities, shall first be approved by the Plan Commission and shall be written so that all subsequent amendments shall also have to be approved by the Plan Commission before they can take effect.

e. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.

f. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

g. The streets and driveways on the site of the proposed development shall be adequate to serve the residents and or customers of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.

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| 1 | h. | Public water and sewer facilities shall be provided. | 56 |
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| 3 | i. | Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public. | 58 |
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| 10 | j. | The relative economic benefit to the Village shall be greater than the underlying zoning would allow. | 65 |
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| 14 | (2) | That in the case of a proposed residential PUD district: | 69 |
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| 16 | a. | Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community. | 71 |
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| 27 | b. | The total net residential density within the PUD district will be consistent with development permitted in the underlying basic use district. The district area, width and yard requirements of the underlying basic use district may be modified; however, in no case shall the average density in the district exceed the number of dwelling units that would have been permitted on that amount of land if the PUD district regulations had not been utilized. This allows for transfer of density within a site, but not an increase in density. | 82 |
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| 46 | c. | Each residential planned unit development, having more than one property owner involved and featuring common open space or other common improvements, shall be managed by a Property Owners' Association, or other appropriate management mechanism, to assure | 101 |
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| | | that any common facilities are properly maintained. A copy of the bylaws of the management association shall be included with the PUD application; which shall initially be approved by the Plan Commission as well as any subsequent amendments. |
| (3) | | That in the case of a proposed business PUD district: |
| a. | | The proposed development will be adequately served by off-street parking and truck service facilities. |
| b. | | The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood. |
| c. | | The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with the surrounding neighborhood. |
| d. | | Each business planned unit development featuring common open space or other common improvements shall be managed by a Property Owner's Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the bylaws of the management association shall be included with the PUD application. |
| (4) | | That in the case of a proposed mixed use PUD district: |
| a. | | The proposed development shall include the standards in (2), (3), and result in a higher quality development than if |

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SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

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the project were done separately.

(e) Determination.

The Village Board, after due consideration, may deny the application, approve the application as submitted, or approve the application subject to additional conditions and restrictions; including but not limited to, beginning and completing the physical development of the PUD within a time frame approved by the Village Board, after recommendation by the Plan Commission and that the Village shall be a part of the approval process for any amendment to the bylaws of the Property Owners' Association. The approval of a PUD district shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Village Board. The approval of a planned unit development, and the attendant conditions of approval, shall be applicable to the developer, his/her heirs, successors or assigns.

(f) Existing planned developments.

All properties with planned development zoning, on the effective date of this chapter, which remain planned developments after the effective date of this chapter, are hereby declared conforming planned developments. Such planned developments shall be subject to the regulations contained in the resolution or ordinance, which authorized and approved the planned development.

(g) Changes and additions prior to final PUD approval.

Any change or addition to the plans or uses prior to the issuance of an occupancy permit shall first be submitted for approval to the Plan Commission and if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of section 66.1801 [See page 166] of this chapter, and said proposed alterations shall be submitted to the Village Board for approval after a public hearing.

(h) Subsequent land division.

The division of any land or lands within a PUD district for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regu-

lations of the Village and when such division is contemplated, a subdivision plat or certified survey map, as may be appropriate, of the lands to be divided shall accompany the application for PUD approval.

(1) Changes and Additions to the PUD after Final Approval.

a. Any change in occupancy within an approved PUD project shall be administered in the same manner as a change in occupancy in a basic use district as set forth in section 66.1532 [See page 156] of this chapter. A certificate of compliance shall not be issued to a use that is not consistent with conditions placed on approval in any PUD district.

b. Any addition to a planned unit development in years subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings required by this section.

(i) Adjustments to minimum area requirements.

The purpose of this section is to allow adjustments to the minimum area requirements for the creation of a PUD district. Reducing the minimum area requirements, where justified, will allow for the more efficient development of certain properties that are less likely to develop under a conventional zoning district due to such limiting factors as shape, size and accessibility. The Plan Commission may recommend approval to the Village Board of a request for a PUD district on a property, that does not meet the minimum area requirements as set forth in section 66.0341(b), by at least a $\frac{3}{4}$ majority vote of the Commissioners, but only if supplemental design elements, reduced density or other improvements, requested by the Plan Commission,

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SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

- 1 are incorporated into the project, which
- 2 compensate for the modification of this
- 3 minimum area.
- 4

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SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT
OVERLAY DISTRICT

SEC. 66.0341 PUD PLANNED UNIT DEVELOPMENT
OVERLAY DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0342 HL HIGHWAY 42 AND 57 LANDSCAPE SETBACK OVERLAY DISTRICT

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Sec. 66.0342 HL Highway 42 and 57 Land- scape Setback Overlay District

The intent of the Highway 42 and 57 landscape setback overlay (HL) district is to establish special setback requirements for parking and structures along portions of Highway 42 and 57 to accommodate traffic flows safely, maintain the character of business development, and provide an aesthetically pleasing entrance to the Village.

(a) Location of requirements.

The following Highway Landscape Setback Overlay requirements shall be applied to those portions of State Trunk Highway 42 and Highway 57 located from their intersection to the south Village limits.

(b) Effect on setback and frontage requirements of abutting zoning districts.

These requirements shall be observed by all development within the Highway 42 and Highway 57 Landscape Setback Overlay and shall supersede any conflicting requirements contained in underlying districts.

(c) Building setback.

All buildings within this area shall be setback from Highway 42 and Highway 57 at least 90 feet as measured from the centerline of the right-of-way.

(d) Planting strip adjacent to highways.

Except to allow access to lots abutting Highway 42 or Highway 57 or access to any frontage road established by the Village to serve those lots, all lots abutting Highway 42 or Highway 57 must maintain the first 35 feet from the edge of the highway pavement as a non-impervious landscape strip. This landscape strip shall be maintained in grass or ground cover approved by the Village and shall contain shade trees of the type specified by the Plan Commission planted at a spacing of one tree per 40 feet lineal distance along the road, located ten feet from the edge of the street pavement or bike lane. (Amended Ordinance 120-061306)

(e) Access controls.

Vehicular access point from Highway 42 or Highway 57 shall be determined with the Wisconsin Department of Transportation.

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SETBACK OVERLAY DISTRICT

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SETBACK OVERLAY DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0344 BP BLUFF PROTECTION OVERLAY DISTRICT

SEC. 66.0344 BP BLUFF PROTECTION OVERLAY DISTRICT

Sec. 66.0344 BP Bluff Protection Overlay District

The Bluff Protection Overlay district (BP) is hereby established as a district, which overlaps, and overlays existing base zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the Village. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

(a) Intent:

- (1) Promote safe conditions by preventing placement of roads on highly inclined surfaces.
- (2) Preserve escarpments as landmark features that contribute to the scenic diversity and attractiveness of the Village.
- (3) Preserve flora and fauna habitats.

(b) Location of requirements:

The Bluff Protection Overlay district shall be identified on the Official Zoning map of the Village. The location of the bluff on a parcel shall be determined by a trained expert or geologist acceptable to the Plan Commission.

(c) Permitted uses:

Principal Uses shall be those permitted in the underlying zoning district. Uses prohibited in the underlying zoning district are also prohibited in the Bluff Overlay district.

(d) Conditional uses:

Conditional Uses shall be those permitted in the underlying zoning district.

(e) Site plan required:

A site plan prepared in accordance with section 66.1050 [See page 137] of this chapter is required for all uses.

(f) Setbacks:

There shall be at least a 25-foot setback from the crest of the bluff. The crest shall be established by means of a site inspection by the Village, the location of which will be plotted by the applicant on the site plan based upon the zoning map.

(g) Special requirements:

- (1) No roads or driveways shall be placed on slopes of 30-39 percent unless the roads or driveways are placed parallel to the bluff face. No roads or driveways shall be placed on slopes of 40 percent or greater.

- (2) The clearing of trees, shrubbery, undergrowth, and other ground cover located within bluff protection areas shall be permitted for:

- a. Building footprints.
- b. Sites for wastewater disposal systems.
- c. Driveways, not to exceed 20 feet in width.
- d. The area on a lot, excluding the bluff crest and face, extending not more than 15 feet from the exterior walls of principal buildings and ten feet from accessory buildings.

- (3) Tree topping. Tree topping which is defined as tree cutting or sculpturing where only a portion of the tree is removed to improve the view is prohibited within the bluff protection overlay district.

- (4) In the area on the balance of the lot, selective removal of trees, shrubbery, under growth and other ground cover is permitted provided that:

- a. No more than 30 percent of this area on the lot shall be cleared.
- b. The clearing of the 30 percent described above shall not result in strips of cleared openings of more than 30 feet in any 100-foot wide strip nor create a cleared opening strip greater than 30 feet wide.
- c. In the remaining 70 percent of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings, and other structures. Even though vegetation removal is permitted by this Code, the Village strongly recommends that the existing vegetation, including trees, shrubbery, undergrowth and ground cover, be preserved to the greatest extent possible to protect the ecosystem of the bluff.

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SEC. 66.0344 BP BLUFF PROTECTION OVERLAY DISTRICT

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- (5) Pruning of trees is not permitted, except for the removal of dead, diseased or dying trees.
- (6) Special cutting plan. A special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a conditional use permit. In applying for such a permit, the commission may require the lot owner to submit a drawing of his/her lot including the following information: location of all structures, location of parking, and gradient of the land, existing vegetation, proposed cutting and proposed replanting. The commission may grant such a permit only if it finds that such special cutting plans:
- a. Will not cause undue erosion or destruction of scenic beauty.
 - b. Will provide substantial shielding from the water of dwellings, accessory structures and parking area. The commission may condition such a permit upon a guarantee of tree planting by the lot owner. Such an agreement shall be enforceable in court.
 - c. Is consistent with established forest management practices.

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SEC. 66.0344 BP BLUFF PROTECTION OVERLAY
DISTRICT

SEC. 66.0344 BP BLUFF PROTECTION OVERLAY
DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0345 WHP WELLHEAD PROTECTION DISTRICT

SEC. 66.0345 WHP WELLHEAD PROTECTION DISTRICT

Sec. 66.0345 WHP Wellhead Protection District

The Wellhead Protection district (WHP) is intended to insure the provision of a safe and sanitary drinking water supply for the Village by establishment of a Wellhead Protection Area surrounding the wellheads for all wells which are the supply sources for the Village water system and by the designation and regulation of property uses and conditions which may be maintained within such zones to minimize public and private losses due to contamination of the public water supply. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1994), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety, and welfare.

(a) Establishment of wellhead protection area. There is hereby established a use district to be known as the Wellhead Protection Area, identified and described as all the areas including those of the cone of depression due to the average pumping capacity of the wells, the areas encompassing the zone of contribution for a five year time of travel to the wells, and the recharge areas influencing the wells.

(1) The area(s) designated as the Zone of Influence for the well(s) is hereby known as the Primary Protection Zone(s). It begins at the wellhead and extends radially outward a distance of 500 feet from the well. Additional protection beyond the Primary Protection Zone shall be accomplished by the establishment of Management Zones.

(b) Boundaries. The boundaries of the Primary Management Zone shall begin at a point or points along the outer perimeter of the Primary Protection Zone and extend outward to all points within and including the designated Zone of Contribution for the five-year time of travel to each of the wells. Furthermore, as the annual average pumping capacity of the wells is changed, the Primary Management Zone boundaries shall be changed in like manner.

(1) The boundaries of the Secondary Management Zone shall include all the area extending between the Primary Management Zone outer perimeter and a minimum of one mile radially or the Village limits

boundaries (whichever is less) from any well supplying water to the aforementioned community water system.

(2) Subsequent and additional Management Zones may be established whenever it is found that the Wellhead Protection Zone needs to be expanded to provide adequate protection for the groundwater within and/or adjacent to the Wellhead Protection Area.

(3) Location of requirements. The following protection requirements shall be based upon the location of the Village wells located at the following:

- a. Well Number 1: Scandia Road at Bay Shore Drive;
- b. Well Number 2: Smith Drive at Highway 57;
- c. Well Number 3: Hill Road at North Spring Road.

(4) A detailed map of the different zones shall be maintained by the Zoning Administrator and shall be incorporated on the Official Zoning Map of the Village.

(c) Substances regulated.

The materials regulated by this chapter shall consist of the following:

- (1) Petroleum products as defined in 66.2100 [See page 172].
- (2) Substances listed in the Federal Hazardous Waste List.
- (3) Substances other than those listed on the Federal Hazardous Waste List that are determined by State or Federal agencies to pose a significant threat to any community water supply well or well field.

(d) Restrictions within the wellhead protection area.

Restrictions within each Zone of the Wellhead Protection Area shall be determined by the Village Board or their appointee. The Board or their appointee shall conduct a survey of the Wellhead Area and identify the potential sources of contamination therein. After assessing the local groundwater protection needs, the method or combination of management methods shall be submitted for approval. The restrictions within each Zone may be modified periodically to provide additional protection or to prevent future contamination.

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- 1 (1) The following uses or conditions 57
- 2 shall be and are hereby prohibited 58
- 3 within the Primary Protection Zone. 59
- 4 Existing uses or conditions that are 60
- 5 prohibited under this section that 61
- 6 desire to continue shall comply with 62
- 7 the requirements of section 63
- 8 66.0345(f). (Amended Ordinance 64
- 9 No. 176-091410) 65
- 10 a. Agricultural activities. 66
- 11 b. Feedlots or other concentrat- 67
- 12 ed animal facilities. 68
- 13 c. Gas Stations. 69
- 14 d. Vehicle repair establish- 70
- 15 ments, including auto body 71
- 16 repair. 72
- 17 e. Junk yards or auto salvage 73
- 18 yards. 74
- 19 f. Bus or truck terminals. 75
- 20 g. Impervious surfaces other 76
- 21 than roofs of buildings, and 77
- 22 streets, parking lots, drive- 78
- 23 ways and sidewalks. 79
- 24 h. Dry cleaning businesses. 80
- 25 i. Any manufacturing or indus- 81
- 26 trial business. 82
- 27 j. Electroplating facilities. 83
- 28 k. Exterminating businesses. 84
- 29 l. Sanitary landfills. 85
- 30 m. Sanitary sewer lines within 86
- 31 100 feet of a wellhead. 87
- 32 n. Animal waste spreading. 88
- 33 o. Septic tanks or drain fields 89
- 34 appurtenant thereto. 90
- 35 p. Storm water infiltration ba- 91
- 36 sins. 92
- 37 q. Hazardous waste disposal 93
- 38 sites. 94
- 39 r. Surface use or storage of 95
- 40 hazardous material, includ- 96
- 41 ing commercial use of agri- 97
- 42 cultural pesticides. 98
- 43 s. Underground storage. 99
- 44 t. Salt storage. 100
- 45 u. Bulk herbicide and/or pesti- 101
- 46 cide storage and use. 102
- 47 (2) The following uses or conditions 103
- 48 shall be and are hereby prohibited 104
- 49 within Management Zone 1. 105
- 50 a. Junk yards and auto salvage 106
- 51 yards. 107
- 52 b. Sanitary landfills. 108
- 53 c. Hazardous waste disposal 109
- 54 sites. 110
- 55 d. Storm water infiltration ba- 111
- 56 sins. 112

- (3) The following uses or conditions are permitted within Management Zone One only as a special exception. A conditional use permit may be granted to an individual and/or facility to allow a special exception use. In order to receive a conditional use permit, an individual and/or facility must demonstrate compliance with applicable Federal, State and County requirements.

- a. Feedlots or other concentrat-
ed animal activities.
- b. Gas stations.
- c. Vehicle repair establish-
ments, including auto body
repair.
- d. Bus or truck terminals.
- e. Dry cleaning businesses.
- f. Any manufacturing or indi-
vidual business.
- g. Electroplating facilities.
- h. Exterminating businesses.
- i. Animal waste spreading.
- j. Septic tanks or drain fields.
- k. Bulk salt storage.
- l. Surface use or storage of
hazardous materials.

- (4) The area within Management Zone Two shall be managed by conducting a public education program to inform the property owners of the need for and methods of wellhead protection. If additional management methods are necessary, the appropriate governing bodies with jurisdiction over the area within the Management Zone Two shall be notified.

(e) Exemptions.

Individuals and/or facilities may request the Village to issue a conditional use permit for a special exception use in the Wellhead Protection Area. All requests shall be in writing either on or in substantial compliance with forms to be provided by the Village and shall include an environmental assessment report prepared by a licensed environmental engineer. The report shall be forwarded to the Village Engineer and/or designee(s) for recommendation and final decision by the Village Board. The individual/facility shall reimburse the Village for all consultant fees associated with this review at invoiced amount plus administrative costs. Any uses

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SEC. 66.0345 WHP WELLHEAD PROTECTION DISTRICT

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shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and/or bonds and/or sureties satisfactory to the Village.

(1) The following activities or uses are exempt from the provision of this chapter.

a. The transportation of any hazardous substance through the wellhead protection area provided the transporting vehicle provides adequate primary and secondary containment and is in-transit.

b. The use of herbicides and pesticides is allowed within the Management Zones, provided best management practices are used or it is determined that the use of such herbicides and pesticides does not pose a serious threat to the groundwater.

c. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.

d. Fire, police, emergency medical services, emergency management center facilities or public utility transmission facilities.

e. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.

f. Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.

g. Consumer products located in the home, which are used for personal, family or household purposes.

h. The storage and use of hazardous substances as fuel or lubricant to provide auxiliary power for emergency use to the well field provided an enclosed secondary containment system be provided for the substance.

i. Any water treatment chemicals connected with the operation of the wells.

j. Storm water retention ponds constructed in a manner approved by the Village and/or Village Engineer may be placed in the management zone. The soil beneath the retention pond shall have a low rate of water transmission, less than 0.15 inches per hour.

Requirements for existing facilities.

The following requirements are to be met by existing facilities wishing to continue with activities prohibited under section 66.0345(c).

(1) Facilities shall provide copies of all federal, state and county operation approvals or certificates and ongoing environmental monitoring results to the Village.

(2) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but are not limited to storm water runoff management and monitoring.

(3) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(4) Facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification to Village officials in the event of an emergency.

Penalties.

In the event of the release of any contaminants, which endanger the Wellhead Protection Area, the activity causing said release shall cease immediately and a cleanup satisfactory to the Village shall occur. The individual/facility participating in such activity shall be responsible for all costs of cleanup, Village consultant fees at the invoice amount plus administrative costs for oversight review, and documentation. These costs may include but are not limited to:

(1) The cost of Village employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by

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SEC. 66.0345 WHP WELLHEAD PROTECTION DISTRICT

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- 1 a factor determined by the Village
2 representing the Villages cost for
3 expenses, benefits, insurance, sick
4 leave, holidays, overtime, vacation,
5 and similar benefits.
6 (2) The cost of Village equipment em-
7 ployed.
8 (3) The cost of mileage reimbursed to
9 Village employees attributed to the
10 cleanup.
11 (4) The costs recoverable as provided
12 herein shall be in addition to the
13 penalty for this section.
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SEC. 66.0345 WHP WELLHEAD PROTECTION DISTRICT

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0346 RS RIDGES AND SWALES

SEC. 66.0346 RS RIDGES AND SWALES

Sec. 66.0346 RS Ridges and Swales

The purpose of the Ridges and Swales Overlay district (RS-1) is to recognize and protect landforms that owe their existence to the dynamic forces of water acting upon the land during various periods of rising and falling lake levels. The events that produced these landforms apparently occurred during approximately the last 4,000 years. These geologic features and the wild plant and animal life supported on them are of significant scientific interest. The ridges and swales complexes also contribute to the special aggregate landscape of the Village.

(a) Determination.

The location of ridges and swales complexes shall be determined by a trained expert or geologist acceptable to the Plan Commission.

(b) Requirements.

- (1) Buildings and structures shall be placed, to the greatest practical extent, on the uppermost ground surfaces of ridges.
- (2) No buildings and structures, except roads constructed in accordance with subsection (5), shall be placed in swales.
- (3) The ridges ground surfaces shall not be reshaped by excavation, except for customary excavation necessary to construct roads and foundations of buildings and structures; by grading; or by filling, except for customary backfilling around foundation walls of buildings and structures, construction of roads in accordance with subsection (5), and construction of parking areas.
- (4) The swales ground surfaces shall not be reshaped by excavating, grading or filling, except as necessary for road construction in accordance with subsection (5).
- (5) Road construction in ridges and swales complexes shall occur in accordance with the following:
 - a. Roads shall be placed, to the greatest practical extent, on the uppermost ground surfaces of the ridges.
 - b. Roads shall not be placed in swales, except for that portion which is the minimum necessary to continue a road from one ridge to the adjacent ridge. The road portion

in the swale shall be constructed to allow free and continuous movement of surface water through the road by means of culverts and/or bridges.

- c. The road shall be constructed with the minimum cross-sectional area necessary to serve the intended use.
- d. Road construction activities shall be carried out in the immediate area of the road only.

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SEC. 66.0346 RS RIDGES AND SWALES

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0350 RO RESTAURANT OVERLAY DISTRICT RO-1

SEC. 66.0350 RO RESTAURANT OVERLAY DISTRICT RO-1

Sec. 66.0350 RO Restaurant Overlay District RO-1

Note: This entire section was added by Ordinance No. 172-081010.

Purpose. The purpose of the standards in this Section is to regulate the number, location and operation of various types of restaurants in order to maintain the Village's unique character, the vitality of the commercial districts, and the quality of life of Sister Bay residents.

(a) Definitions.

General Restaurant means an eating-place, whether a principal use or accessory use, selling a full line of prepared food and drinks using non-disposable plates, glasses and utensils for immediate consumption on the site. The business provides tables and chairs, table service, and is available to persons of all ages. The use shall not exhibit the characteristics of a drive-in, formula or fast food establishment. Customers shall be provided with individual menus while seated at a table or counter. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all house-brand labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.

Drive-In Restaurant means an eating place, whether a principal use or accessory use, which sells: (a) prepares food intended for consumption in vehicles that may or may not be parked on the site; or (b) provides for the ordering of food while the customers are seated in vehicles.

Formula Restaurant means an eating-place, whether a principal use or accessory use, that is one of a chain or group of three or more establishments and which satisfies at least two of the following three descriptions:

(1) It has the same or similar name, brand, trade name, or trademark as others in the chain or group;

(2) It offers any of the following characteristics in a style which is distinctive to and standardized among the chain or group: (a) Exterior design or architecture; (b) Uniforms, except that a personal identification or

simple logo will not render the clothing a uniform; (c) Standardized menus, ingredients, food preparation or food presentation format which causes it to be substantially identical to another restaurant regardless of ownership or location.

(3) It is a fast food restaurant.

Fast Food Restaurant means an eating-place, whether a principal use or accessory use, selling food to be consumed on or off the site and (a) food is quickly made upon the customer's order or pre-made and wrapped before customers place orders, and/or (b) food is served with disposable tableware for on-site food consumption. A Fast Food restaurant also exhibits two or more of the following characteristics: food is ordered from a wall menu at a service counter; food consumed on the premises is ordered while customers are standing; payment is made by customers before food is consumed; the service counter is closer to an entry/exit than is the seating/dining area; the business interior is brightly illuminated (greater than 8 candle foot power as measured in a horizontal plane three feet above the floor).

Take-Out Restaurant means an eating place, whether a principal use or accessory use, selling ready-to-eat, prepared snack food and full meals for immediate consumption off the site while patrons are walking or standing in the public right-of-way or are seated in vehicles.

Drive-up Window - Restaurant in this section means a window opening to the outdoors designed to furnish food or beverages to motorists.

Walk-up Window - Restaurant means a window opening to the outdoors designed to furnish food or beverages to pedestrians.

Drive-through - Restaurant in this section means a paved area serving as a queuing or staging area for motorist to receive food that they have ordered.

(b) Applicability.

The regulations in this section shall apply as an overlay district for the B-1 General Business, B-2 Downtown Transition District, B-3 Downtown Business District and I-1 Institutional Districts.

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SEC. 66.0350 RO RESTAURANT OVERLAY DISTRICT RO-1

(c) Permitted Uses.

A general restaurant whether a principal use or accessory use, shall be permitted subject to the following requirements.

(1) Underlying district lot area and width; building height and area; setbacks; special standards and parking.

(2) Site plan and architectural review and such others as apply.

(d) Conditional Uses.

A fast food, drive-in or take-out restaurant whether a principal use or accessory use may be granted a conditional use permit subject to the following requirements.

(1) Underlying district lot area and width; building height and area; setbacks; special standards and parking.

(2) Site plan and architectural review.

(3) Approval of the fast food, drive-in or take-out restaurant with or without a walk-up window – restaurant will contribute to a diverse and appropriate blend of businesses in the Village;

(4) Approval of the fast food, drive-in or take-out restaurant will complement those businesses already in the Village and help promote and foster the local economic base as a whole.

(5) The fast food, drive-in or take-out restaurant will be compatible with existing surrounding uses; has been designed and will be operated in a non-obtrusive manner to preserve the community's character and ambiance; and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites, including but not limited to the following:

a. The size of any individual fast food, drive-in or take-out restaurant shall not to exceed two thousand five hundred (2,500) square feet of gross floor area.

b. The street frontage of any individual fast food, drive-in or take-out restaurant shall not exceed sixty-five feet (65') in width.

c. So long as the Planning Commission finds that estab-

lishing or relocating the fast food, drive-in or take-out restaurant will not increase the intensity of use on the site to a level that will adversely impact:

1. Land uses in the area;
2. Pedestrian or motor vehicle traffic; or
3. The public welfare.

d. There shall not be a substantial impact to the public safety from increased traffic. At the discretion of the Plan Commission, the applicant may be required to submit a traffic study, prepared by a Wisconsin Registered Professional Engineer, approved by the Plan Commission.

e. There shall not be any impacts to the roadway or abutting properties from the loading area.

f. Approval of the fast food, drive-in or take-out restaurant will be consistent with the policies and standards of the Comprehensive Plan as approved and amended.

(e) Excluded Uses.

The following uses are excluded from the overlay district.

- (1) Formula restaurants, drive-up windows - restaurants and drive-through - restaurants are prohibited;
- (2) Reserved.

(f) Change of occupancy or intensity of use.

A change of occupancy, change of intensity of use, or a change in type of restaurant shall require Plan Commission review and approval. A change of business model shall not require Plan Commission review and approval unless the change is deemed significant by the Zoning Administrator. Change of ownership shall not, by itself, require Plan Commission approval unless there is a change of occupancy, change of intensity of use, change of business model or a change in type of restaurant. The regulations in this Section shall be used by the Planning Commission in reviewing an application or an application for occupancy.

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SEC. 66.0350 RO RESTAURANT OVERLAY DISTRICT RO-
1

- 1 (g) Existing Restaurants.
2 All formula restaurants with their respec-
3 tive business models as of July 1, 2010, fast
4 food restaurants, drive-in restaurants and
5 take-out restaurants shall be grandfathered
6 non-conforming uses if they do not meet
7 any of the regulations in this Section.
8

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0401 TRAFFIC VISIBILITY

SEC. 66.0403 PARKING REQUIREMENTS

SECTION 400 -TRAFFIC, LOADING, PARKING AND ACCESS

Sec. 66.0401 Traffic Visibility

No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half feet and ten feet above the plane through the mean curb grades (See Illustration No. 1) within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. (See Illustration No. 2). In the case of arterial streets intersecting with other streets, the corner cut-off distances establishing the vision triangle clearance space shall be increased to 50 feet. (See Illustration No. 2).

Sec. 66.0402 Loading Requirements

On every lot on which a business use is hereafter established, space with access to a public street or alley shall be provided as specified below for the loading and unloading of vehicles off the public right-of-way.

- (a) Number of loading and unloading spaces required:

| <i>Gross Floor Area of Building</i> | |
|-------------------------------------|-------------------------|
| <i>In Square Feet</i> | <i>Number of Spaces</i> |
| Under 5,000 | 1 |
| 5,000-24,999 | 2 |
| 25,000-49,999 | 3 |
| 50,000-99,999 | 4 |

- (b) For each additional 25,000 square feet (or fraction thereof) of gross floor area, one additional loading and unloading space shall be provided.

- (c) Each loading and unloading space shall have access to a public dedicated street or alley.

- (d) The minimum area for each loading and unloading space, excluding the area needed to maneuver, shall be 250 square feet.

- (e) At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

Sec. 66.0403 Parking Requirements

In all districts and in connection with every use, there shall be provided at the time any use is

erected, enlarged, extended or increased, off-street parking spaces and lots for all vehicles in accordance with the following:

- (a) Access.

Adequate access to a public street shall be provided for a parking space, and driveways shall be at least ten feet wide for one and two-family dwellings, and a minimum of 24 feet wide at the property line for all other uses. [See section 66.0406 Highway Access page 89, for more detailed restrictions.]

- (b) Parking space size.

The minimum dimensions of each parking space shall be nine feet by 20 feet, except for spaces provided for use by physically disabled persons.

- (c) Parking spaces for use by physically disabled persons.

All open off-street parking areas providing more than 20 parking spaces, except for parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles, which transport physically disabled persons in accordance with the requirements of section 346.503 of the Wisconsin Statutes.

- (d) Parking lot geometrics.

The minimum length of parking stalls shall be modified in parking lots based on the aisle width and the angle of parking. Parking stalls shall conform to the following minimum dimensions:

| <i>Parking Angle</i> | <i>Minimum Stall Width</i> | <i>Minimum Perpendicular Stall Width</i> | <i>Minimum Aisle Width</i> |
|----------------------|----------------------------|--|----------------------------|
| 90° | 9 ft. | 20 ft. | 22 ft. |
| 75° | 9 ft. | 20 ft. | 19 ft. |
| 60° | 9 ft. | 19 ft. 6 in. | 16 ft. |
| 45° | 9 ft. | 19 ft. 6 in. | 13 ft. |
| 30° | 9 ft. | 66 ft. | 10 ft. |

- (e) Location.

Location of parking spaces is to be on the same lot as the principal use except as provided in section 66.0405 [See page 88] of this chapter. (NOTE: Residential parking shall be located in a garage or carport or on a driveway that does not exceed 24 feet in width, except for a spur that is a maximum of ten feet by 20 feet or the flare to

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SEC. 66.0403 PARKING REQUIREMENTS

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access a parking area in the side or rear yard.)

(NOTE: Business parking lots and driveways adjacent to a residential zoning district line shall, at a minimum, provide buffer yards as required by section 66.0303 [See page 6 of the Municipal Code.])

(NOTE: Business and institutional parking lots and driveways shall be located no closer than 15 feet to a residential zoning district line.)

(f) Surfacing.

(1) Parking Lots and other areas. In all zoning districts other than P-1, R-1, R-3, R-4 and CS-1 all off-street parking lots, driveways, service roads, storage areas and such other areas determined by the Plan Commission shall be surfaced with an asphaltic concrete or Portland cement pavement; to provide a durable and dust-free surface and shall be so graded and drained as to dispose of all surface water in accordance with the requirements of the Municipal Code of the Village. Brick, block or open block or other materials designed to be permeable and designed to carry the load of the vehicles shall be allowed with the approval of the Plan Commission. The required off-street parking lots, driveways, service roads, storage areas and such other areas shall be completely paved prior to the issuance of the occupancy permit for all new buildings and prior to the final inspection of all building additions. However if the new building or building addition is completed during the November to March period, the pavement shall be completed by July 1 of the following year. (Amended Ordinance 154-071409)

(2) All driveways serving single-family residences in all zoning districts shall be surfaced with asphaltic concrete or Portland cement pavement from the edge of the pavement to edge of the right-of-way within one year of the issuance of the initial occupancy permit. (Amended Ordinance 154-071409)

(3) All Driveway Approaches shall be installed in accord with the provisions of the Municipal Code.

(g) Landscape area.

All off-street parking lots, which serve four vehicles or more and are created or extended subsequent to the adoption of this chapter, shall provide accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five percent of the surfaced area. For parking lots designed for 20 parking spaces or more, at least one-half of the minimum five percent landscaped area shall be within the parking lot. When parking lots are extended, these regulations shall apply only to the extended portion of the parking lot. Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Plan Commission. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. All plans for such proposed parking areas shall include a topographic survey or grading plan, which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. (See Illustrations No. 3 and No. 4)

(h) Parking lot screening.

Those parking areas for four or more vehicles, if adjoining a residential zoning district line or public right-of-way, shall be screened from casual view by an earth berm, a stonewall, fence, evergreen planting of equivalent visual density or other effective means approved by the Plan Commission. Such fence or berm and landscaping together shall be an average of three feet in height between the parking and the street right-of-way and six feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers and large equipment.

(i) Residential parking.

Single-family and two-family residential parking shall be limited to parking within garages and upon residential driveways. Paving beyond driveways to cover all or

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substantial portions of a residential front yard shall be prohibited.

(j) Parking space requirements.

The following guide specifies the minimum number of parking spaces required. In the case of structures or uses not specified herein, the number of spaces specified as the general standard for the use class or the number of spaces specified for similar use shall apply. In developments involving the establishment or addition of two or more uses on one lot or parcel, the cumulative number of spaces required for each use shall determine the total number of spaces required. (Amended Ordinance 128-061207)

In the B-1, B-2 and B-3 districts, the number of parking spaces required by this section shall be reduced by a credit of three spaces. In granting the credit, the Plan Commission will take into account, all of the proposed required parking for all of the businesses or uses on the parcel(s) or building(s) that comprise the development. If a single development, building or parcel contains multiple businesses, the three parking space credit shall only be provided once. The credit shall be applicable to future business additions to existing businesses. (Amended Ordinance 128-061207)

In the B-3 district, the number of residential parking spaces required by this section shall be reduced by a credit of one space. In granting the credit, the Plan Commission will take into account, all of the proposed required parking for all of the residential uses on the parcel(s) or building(s) that comprise the development. If a single development, building or parcel contains multiple residential units, the one parking space credit shall only be provided once. The credit shall be applicable to future residential unit additions to existing businesses. (Amended Ordinance 128-061207)

(1) Residential Uses (including garage spaces):

a. Single-family dwellings, two spaces per dwelling unit.

b. Multiple-family dwellings:

1. In the R-2 district, one and one-half spaces per efficiency and one-bedroom dwelling unit, two spaces per two-bedroom dwelling unit, and

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two and one-half spaces per three-bedroom or larger dwelling unit.

2. In the B-2 and B-3 districts, one space per bedroom. (Amended Ordinance 120-061306)

c. Condominiums, Residential: One space per one bedroom unit, one and a half space per two-bedroom unit and two spaces per three-bedroom unit.

(2) Retail sales and customer service uses, and places of entertainment, except as specifically set forth below, one space per 150 square feet of gross floor area of customer sales and service, plus one space per employee for the work shift with the largest number of employees. In the B-3 district the requirement shall be one space per 300 square feet of gross floor area of customer sales and service, plus one space per employee for the work shift with the largest number of employees:

a. Financial Institutions, one space for each 150 square feet of gross floor area of customer service, plus one space per employee for the work shift with the largest number of employees. Financial institutions with drive-in facilities shall provide sufficient space for at least four waiting vehicles at each drive-in service device and no queuing spaces shall preclude the use of any parking spaces, nor shall any queuing take place in the public right-of-way.

b. Funeral Homes, one space for each four patrons at maximum capacity, whichever is greater, plus one space per employee for the work shift with the largest number of employees.

c. Grocery Stores, Food Stores or Supermarkets, one space per 150 square feet of gross

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| | | | | | |
|----|----|----------------------------------|-----|----|--|
| 1 | | floor area of customer sales | 57 | | non-employee parking upon |
| 2 | | and service area, plus one | 58 | | request. (Amended Ordinance 172-081010). |
| 3 | | space per employee for the | 59 | | |
| 4 | | work shift with the largest | 60 | i. | Restaurants, Fast Food, |
| 5 | | number of employees. | 61 | | Drive-in and Take-out, one |
| 6 | d. | Convenience Grocery Stores, | 62 | | space per 50 square feet of |
| 7 | | one space per 150 square | 63 | | gross dining area, plus one |
| 8 | | feet of gross floor area of cus- | 64 | | space per employee for the |
| 9 | | tomers sales and service, plus | 65 | | work shift with the largest |
| 10 | | one space per employee for | 66 | | number of employees. |
| 11 | | the work shift with the largest | 67 | | (Amended Ordinance 172- |
| 12 | | number of employees. | 68 | | 081010) |
| 13 | | (Amended Ordinance 120- | 69 | j. | Repair Services, one space |
| 14 | | 061306) | 70 | | per 300 square feet of gross |
| 15 | e. | Condominiums Hotels, one | 71 | | floor area, plus one space |
| 16 | | space per one bedroom unit, | 72 | | per employee for the work |
| 17 | | one and a half spaces per | 73 | | shift with the largest number |
| 18 | | two bedroom unit and two | 74 | | of employees. |
| 19 | | spaces per three bedroom | 75 | k. | Theaters, Auditoriums and |
| 20 | | unit, plus one space per em- | 76 | | Other Places of Public As- |
| 21 | | ployee for the work shift with | 77 | | sembly, one space per three |
| 22 | | the largest number of em- | 78 | | patrons based on the maxi- |
| 23 | | ployees, plus one space per | 79 | | mum capacity of the facility |
| 24 | | three persons, based on max- | 80 | | plus one space per employee |
| 25 | | imum capacity for each pub- | 81 | | for the work shift with the |
| 26 | | lic meeting room and/or | 82 | l. | largest number of employees. |
| 27 | | banquet room. | 83 | | Personal Services, one space |
| 28 | f. | Motels and Hotels, one | 84 | | per employee for the work |
| 29 | | space per room or suite, plus | 85 | | shift with the largest number |
| 30 | | one space per employee for | 86 | | of employees and one and a |
| 31 | | the work shift with the largest | 87 | | half space for every chair or |
| 32 | | number of employees, plus | 88 | | customer service location in |
| 33 | | one space per three persons, | 89 | | a barbershop, nail salon, |
| 34 | | based on maximum capacity, | 90 | | tanning salon, hair salon or |
| 35 | | for each public meeting | 91 | | beauty parlor. (Amended |
| 36 | | room and/or banquet room. | 92 | | Ordinance 061306) |
| 37 | g. | Lodges and Clubs, one space | 93 | m. | Taverns, Dance Halls, Night |
| 38 | | per three persons, based on | 94 | | Clubs and Lounges, one |
| 39 | | the maximum capacity of the | 95 | | space per 100 square feet of |
| 40 | | facility, plus one space per | 96 | | gross dining area or one |
| 41 | | employee for the work shift | 97 | | space per three seats, which- |
| 42 | | with the largest number of | 98 | | ever is greater, plus one |
| 43 | | employees. | 99 | | space per employee for the |
| 44 | h. | Restaurants – General, one | 100 | | work shift with the largest |
| 45 | | space per 150 square feet of | 101 | | number of employees. |
| 46 | | gross dining space or one | 102 | n. | Motor Vehicle Sales Estab- |
| 47 | | space per four seats which- | 103 | | lishments, two customer |
| 48 | | ever is greater, plus one | 104 | | parking spaces per salesper- |
| 49 | | space per employee for the | 105 | | son, plus one space per em- |
| 50 | | work shift with the largest | 106 | | ployee for the work shift with |
| 51 | | number of employees. In the | 107 | | the largest number of em- |
| 52 | | B-2 and B-3, districts when | 108 | | ployees. |
| 53 | | the general restaurant is an | 109 | o. | Motor Vehicle Repair, |
| 54 | | accessory use to the retail | 110 | | Maintenance, and Service |
| 55 | | use on the property the Plan | 111 | | Stations, four spaces per in- |
| 56 | | Commission may waive the | 112 | | door service bay, plus one |

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| 1 | | space per employee for the | 57 | (3) | Offices: |
| 2 | | work shift with the largest | 58 | a. | Medical, Dental and Similar |
| 3 | | number of employees, plus | 59 | | Professional Health Service |
| 4 | | parking for all vehicles used | 60 | | Offices, five patron spaces |
| 5 | | directly in the conduct of the | 61 | | per doctor, plus one space |
| 6 | | business. | 62 | | per employee for the work |
| 7 | p. | Car Washes, one space per | 63 | | shift with the largest number |
| 8 | | employee for the work shift | 64 | | of employees. |
| 9 | | with the largest number of | 65 | b. | Government, Professional |
| 10 | | employees. Car washes shall | 66 | | and Business Offices, one |
| 11 | | provide sufficient space for at | 67 | | space per 200 square feet of |
| 12 | | least four waiting vehicles at | 68 | | gross floor area, plus one |
| 13 | | each washing stall and suffi- | 69 | | space per employee for the |
| 14 | | cient space for drying two | 70 | | work shift with the largest |
| 15 | | vehicles after each washing | 71 | | number of employees, plus |
| 16 | | stall so as not to allow any | 72 | | one space for every three |
| 17 | | queuing of vehicles to take | 73 | | meeting room seats. |
| 18 | | place in the public right-of- | 74 | (4) | Business/Recreational Uses, except |
| 19 | | way. | 75 | | as specifically set forth below, one |
| 20 | q. | Animal Hospitals, three pa- | 76 | | space per four patrons, plus one |
| 21 | | tron parking spaces per doc- | 77 | | space per employee for the work |
| 22 | | tor, plus one space per em- | 78 | | shift with the largest number of em- |
| 23 | | ployee for the work shift with | 79 | | ployees. |
| 24 | | the largest number of em- | 80 | a. | Bowling Alleys, five spaces |
| 25 | | ployees. | 81 | | for each lane, plus one space |
| 26 | r. | Plant Nurseries, Lawn and | 82 | | per employee for the work |
| 27 | | Garden Supply Stores and | 83 | | shift with the largest number |
| 28 | | Lumberyards, one space per | 84 | | of employees. |
| 29 | | 200 square feet of gross in- | 85 | b. | Golf Courses, 90 spaces per |
| 30 | | door sales and display area, | 86 | | nine holes plus one space |
| 31 | | plus one space per 500 | 87 | | per employee for the work |
| 32 | | square feet of gross outdoor | 88 | | shift with the largest number |
| 33 | | sales and display area, plus | 89 | | of employees. |
| 34 | | one space per employee for | 90 | c. | Golf Driving Ranges, one |
| 35 | | the work shift with the largest | 91 | | space per tee, plus one space |
| 36 | | number of employees. | 92 | | per employee for the work |
| 37 | s. | Shopping Centers (Gross | 93 | | shift with the largest number |
| 38 | | Leasable Area of Less Than | 94 | | of employees. |
| 39 | | 50,000 Square Feet), seven | 95 | d. | Marinas, one space per five |
| 40 | | spaces per 1,000 square feet | 96 | | boat berths, plus 15 spaces |
| 41 | | of gross leasable area plus | 97 | | per boat launching ramp, |
| 42 | | one space per employee for | 98 | | plus one space per 500 |
| 43 | | the work shift with the largest | 99 | | square feet of dry boat stor- |
| 44 | | number of employees in the | 100 | | age area, plus one space per |
| 45 | | B-1 district only. | 101 | | employee for the work shift |
| 46 | t. | Shopping Centers (Gross | 102 | | with the largest number of |
| 47 | | Leasable Area of 50,000 | 103 | | employees. At least 20 per- |
| 48 | | Square Feet or More), five | 104 | | cent of the spaces required |
| 49 | | and one-half spaces per | 105 | | for boat launching ramps |
| 50 | | 1,000 square feet of gross | 106 | | shall be at least nine feet by |
| 51 | | leasable area, plus one space | 107 | | 35 feet to accommodate cars |
| 52 | | per employee for the work | 108 | | with boat trailers. |
| 53 | | shift with the largest number | 109 | e. | Miniature Golf Course, one |
| 54 | | of employees in the B-1 dis- | 110 | | and one-half (1 ½) spaces per |
| 55 | | trict only. | 111 | | hole, plus one space per em- |
| 56 | | | 112 | | ployee for the work shift with |

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SEC. 66.0404 ADJUSTMENTS TO REQUIRED PARKING

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- 1 the largest number of em- 56
2 ployees. 57
3 f. Racquetball and Handball 58
4 Courts, three spaces per 59
5 court, plus one space per 60
6 employee for the work shift 61
7 with the largest number of 62
8 employees, plus parking for 63
9 other uses. 64
10 g. Skating Rinks, Ice or Roller, 65
11 one space per 200 square 66
12 feet of gross floor area, plus 67
13 one space per employee for 68
14 the work shift with the largest 69
15 number of employees. 70
16 h. Tennis Courts, four spaces 71
17 per court, plus one space per 72
18 employee for the work shift 73
19 with the largest number of 74
20 employees. 75
21 i. Volleyball Courts, 15 spaces 76
22 per court, plus one space per 77
23 employee for the work shift 78
24 with the largest number of 79
25 employees. 80
26 (5) Institutional and Related Uses: 81
27 a. Churches, one space per two 82
28 seats in the main worship ar- 83
29 ea. 84
30 b. Libraries, one space per 250 85
31 square feet of gross floor area 86
32 or one space per four seats 87
33 based on maximum capacity, 88
34 whichever is greater plus one 89
35 space per employee for the 90
36 work shift with the largest 91
37 number of employees. 92
38 c. Museums, one space per 250 93
39 square feet of gross floor area 94
40 plus one space per employee 95
41 for the work shift with the 96
42 largest number of employees. 97
43 d. Rooming and Boarding 98
44 Houses, Bed and Breakfasts, 99
45 one space per bedroom plus 100
46 two spaces per owner. 101
47 e. Convents, Rectories and 102
48 Monasteries, one space per 103
49 three residents plus one 104
50 space per employee for the 105
51 work shift with the largest 106
52 number of employees, plus 107
53 one space per five chapel 108
54 seats if the public may at- 109
55 tend. 110

- f. Nursing Homes, one space
per five patient beds, plus
one-half space per employee
for the work shift with the
largest number of employees,
plus one per living unit.
g. Hospitals, two spaces per
three patient beds, plus one
space per staff doctor, plus
one space per employee, ex-
cluding doctors, for the work
shift with the largest number
of employees.
h. Children's Nursery Schools
and Day-Care Centers, one
space per employee for the
work shift with the largest
number of employees, and
one space for every seven
students allowed under the
State license.
(6) Light Assembly and Light Manufac-
turing Uses.
a. Light Assembly and manu-
facturing, one space per em-
ployee for the work shift with
the largest number of em-
ployees plus one space for
every 500 square feet of
gross office space. (Amended
Ordinance 128-061207).

Sec. 66.0404 Adjustments to Required Park- ing

The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on business sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this section.

(a) Adjustments.

In the R-2, B-1, B-2, B-3, P-1 and I-1 districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Com-

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SEC. 66.0404 ADJUSTMENTS TO REQUIRED PARKING

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mission that adequate parking will be provided for customers, clients, visitors and employees. The following provisions and factors shall be used as a basis to adjust parking requirements: (Amended Ordinance 120-061306)

(1) Evidence that actual parking demands will be less than chapter requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the chapter requires. (Amended Ordinance 120-061306)

(2) Availability of shared parking. The petitioner shall submit written documentation to the satisfaction of the Plan Commission that off-site shared parking spaces are available within 400 feet of the lot line and within the same block to satisfy the parking demand. When a reduction of parking spaces attributable to shared parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements and other such documentation to show that such shared parking can be accomplished. All such agreements shall be recorded with the Door County Register of Deeds, at the applicant's expense, and a copy of the recorded agreement shall be filed with the Village Clerk. The off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces. (Amended Ordinance 120-061306)

(3) Use of optional modes of transportation.

Upon demonstration to the Plan Commission that effective alternative transportation to the automobile will occur within 12 months following the issuance of the certificate of compliance, the Plan Commission may reduce parking requirements. Optional modes of transportation may include, but are not limited to, bus transit, vanpool operations, car pool/ride sharing, moped, scooters

and bicycles. (Amended Ordinance 120-061306)

(b) Fee In Lieu of Creating Parking Spaces.

A developer who chooses to not construct the required parking spaces on the parcel may be allowed to pay to the Village a one-time fee into a fund established by the Village to construct and maintain common transition parking spaces. A developer who cannot construct the required spaces on the parcel shall as a condition of approval pay to the Village a one-time fee into a fund established by the Village to construct and maintain common transition parking spaces. The payment of the fee to the Village in either instance shall absolve the developer from constructing the required number of spaces on their property. The fee shall be established annually by the Village Board of Trustees and reflect the cost of constructing and maintaining public parking lots. (Amended Ordinance 120-061306)

(c) Large vehicles.

All businesses that cater to customers, who drive vehicles larger than what can be accommodated in a 9' X 20' parking space, shall provide the appropriate number of parking spaces and access aisles to accommodate these vehicles. (Amended Ordinance 120-061306)

(d) Space to be set aside for reduced parking.

The site plan for the business use in the R-2, B-1, P-1 and I-1 districts shall be designed to provide sufficient open space on the subject site to accommodate the additional parking spaces otherwise required by this chapter. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this chapter at the time of application. (Amended Ordinance 120-061306)

(e) Changes in occupancy or use.

When the use of a building, structure, or land is changed to another use or occupancy that requires more parking spaces than required for the use existing immediately prior to such change, additional parking spaces shall be constructed for the new use or occupancy in the amount necessary to conform to this chapter prior to the issuance of a Certificate of Occupancy for the

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SEC. 66.0405 PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

SEC. 66.0405 PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

new use. [See section 66.1532(a) page 156] (Amended Ordinance 120-061306)

(f) Changes in intensity of use.
When the intensity of use of a building, structure or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for such additions in the amount necessary to conform to this chapter. [See section 66.1532(b) page 156] (Amended Ordinance 120-061306)

(g) Plan Commission review and verification.
The Plan Commission shall review the adequacy of parking where an adjustment to parking requirements has been granted within one year following such parking modification grant and periodically thereafter to determine that the conditions justifying the parking requirement still exist. If the parking is found to be inadequate, the Plan Commission shall order the use of the property to comply with the parking requirements set forth in section 66.0403 [See page 81] of this chapter. (Amended Ordinance 120-061306)

(h) B-3 District Exemption.
The exemption from certain parking requirements granted by this section shall automatically expire 48 months from the date of the adoption of the enabling ordinance. The parking exemption and related requirements shall only apply to the B-3 district. (Amended Ordinance 201-091112)

(1) Subject to the requirements of site and zoning approval all proposed new uses, new buildings, expansions of existing buildings, expanded uses, changes in intensity of use or changes in occupancy shall be evaluated for the required number of customer and employee parking spaces.

(2) A calculation would be done to determine the amount of parking required to achieve compliance with the open space and related requirements.

(3) The business shall be given the option of installing the required parking or leaving the equivalent area as landscaped open space except for:

a. All required parking for residential dwelling units or mo-

tel/hotel spaces must be constructed.

b. All required parking spaces for more than four employees must be constructed.

c. All required parking in excess of forty (40) spaces must be constructed.

(4) Other credits and adjustments related to parking spaces provided for in the Code would also apply.

(i) B-2 District Exemption.
If a development project includes contiguous parcels zoned both B-3 and B-2 the exemption from certain parking requirements granted by section (h) shall apply to that portion of the project in the B-2 district in the same manner. (Amended Ordinance 157-120809)

Sec. 66.0405 Parking of Vehicles in Residential Districts

(a) General restrictions.
No car, truck, construction equipment or commercial truck shall be parked regularly upon a driveway or front yard in any residential zoning district except as provided herein. Properties currently zoned residential and still used for agricultural purposes shall be exempt from the provisions of this section.

(1) Vehicles that do not exceed 12,000 lb. manufacturer's gross vehicle weight may be parked on a driveway. Parking on lots that are used as a one or two-family residence shall be limited to parking within garages, carports and upon residential driveways consisting of crushed stone, asphalt, concrete, brick or other similar hard surface material.

(2) Additional vehicles may be parked or stored on the lot within a fully enclosed building.

(3) Vehicles shall be located outside of all ultimate right-of-ways, vision clearance triangles and drainage and utility easement areas.

(4) A semi-tractor or vehicles over 12,000 lb. manufacturer's gross vehicle weight may be parked in a residential district if it is parked on the owner's developed property and the property is located along and having access to a Class A highway.

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SEC. 66.0406 HIGHWAY ACCESS

SEC. 66.0406 HIGHWAY ACCESS

- a. Vehicles over 12,000 lb. manufacturer's gross vehicle weight which were parked prior to the adoption of this chapter or prior to the change in the class designation of the highway on property fronting a road that had been changed from a Class A Highway to a Class B Highway or is changed in the future from a Class A Highway to a Class B Highway, may be parked on the owner's property, subject to the regulations in this section.
- (b) Boat and trailer parking.
No boat, boat trailer, mobile home, motor home, motor coaches, truck campers, camping trailers, travel trailers, fifth-wheel trailers, large utility trailers, race cars and their trailers, sport aircraft and their trailer, canoes or kayaks and their trailers, all-terrain vehicles and their trailers, tent campers, folding campers, snow mobiles and their trailers, cases or boxes used to transport recreational vehicles or their equipment, yard maintenance equipment and similar equipment or vehicles shall be parked or stored outside on a residentially zoned lot for more than 24 hours, except as provided herein:
- (1) They shall be located in the rear or side yard and not closer than ten feet to a side or rear lot line.
 - (2) Front yard location shall only be allowed on a driveway or turnaround, parked as close to the home as possible except for the following which are prohibited in the front yard past the 24-hour limit: mobile homes, motor homes, motor coaches, truck campers and large utility trailers.
 - (3) They shall be located outside of all ultimate right-of-ways, vision clearance triangles and drainage and utility easement areas.
 - (4) The recreational vehicle shall be maintained in operable condition.
 - (5) Recreational vehicles that require registration shall be properly registered.
 - (6) No recreational vehicles or equipment shall be stored in any open space outside a building unless such equipment is owned by the property owner or children of the property owner or resident at the property in question. If the property is rented, such storage shall be permitted for the tenant only if such equipment is owned by the tenant.
- (7) All equipment shall be parked or stored as inconspicuously as possible on the property. The area around the equipment or vehicle must be kept weed-free and free of accumulation of other stored material.
- (c) Recreation vehicle parking.
One major recreational vehicle may be stored outside in the rear or side yard of an occupied residential or agricultural lot of 20,000 square feet or more provided it shall not exceed 8.5 feet in width, 13 feet in height and 32 feet in overall length.
- (d) Living in trailers.
Except within an approved campground or mobile home park, no recreational vehicle shall be used for the purpose of permanent habitation, living or housekeeping purposes in the Village. Permanent habitation is defined as living in one place for more than ten consecutive days.
- (e) Private parking restrictions.
This chapter is not intended to allow parking and storage of recreational vehicles or equipment where they may be otherwise prohibited by deed restriction, covenant, prior orders, developer's agreement, or otherwise limited to topography or environmental restrictions.
- (f) Semi-trailer parking.
No semi-trailers or tractors are allowed to be parked in any residential zoning district.

Sec. 66.0406 Highway Access

No direct private access (driveway) shall be permitted to the existing or proposed rights-of-way of any controlled access arterial street without permission of the Plan Commission and the highway agency that has access control jurisdiction. In addition, direct public or private access (driveway) to streets and highways shall be permitted in accordance with the following:

- (a) Driveways on arterial streets.
Driveways on arterial streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Plan Commission shall determine the driveway location. The setback shall be measured from the in-

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0407 OTHER PARKING RESTRICTIONS

SEC. 66.0407 OTHER PARKING RESTRICTIONS

1 intersection of the right-of-way on the two
2 streets.
3 (b) Driveways on collector or local streets.
4 Driveways on collector or local streets
5 shall be located a minimum of 50 feet from
6 a street intersection. The setback shall be
7 measured from the intersection of the right-
8 of-way on the two streets.
9 (c) Driveways on corner lots .
10 Driveways on corner lots shall be located
11 on the less traveled street based on the lo-
12 cal, collector or arterial designation of the
13 streets. (Amended Ordinance 202-091112)
14 (d) Driveway widths.
15 Driveways shall not exceed 24 feet in
16 width on residential lots and 35 feet in
17 width on business lots. Driveways on thru
18 lots shall be no less than 15 feet if they are
19 one way and not exceed 24 feet if they are
20 two way. (Amended Ordinance 202-
21 091112)
22 (e) Driveway locations. (Amended Ordinance
23 202-091112)
24 (1) Driveways for R-1, R-3, R-4 and CS-
25 1 parcels must be at least ten feet
26 away from the side lot line. Vehicle
27 parking on those parcels must be at
28 least ten feet away from the side lot
29 line.
30 (2) Driveways for all other zoned par-
31 cels must be at least five feet away
32 from the side lot line. Parking on
33 those parcels is not allowed within
34 the area defined as the side, rear or
35 front yard area on the lot, except as
36 specifically authorized.
37 (f) Numbers of driveways allowed.
38 Lots in the R-1, R-3, R-4, B-2 and B-3 dis-
39 tricts shall be limited to one driveway un-
40 less a second one is approved by the Plan
41 Commission. Lots in all other districts shall
42 be limited to two driveways.
43 (g) Access barriers.
44 Access barriers, such as curbing, fencing,
45 ditching, landscaping or other topographic
46 barriers, shall be placed to prevent unau-
47 thorized vehicular ingress or egress along
48 the segments of street frontage correspond-
49 ing to the minimum distances from street
50 intersections as specified above in items
51 (a), (b) and (c).
52 (h) Temporary access.
53 Temporary access to the above rights-of-
54 way may be granted by the Zoning Admin-
55 istrator and Village Engineer after review
56 and recommendation by the other highway

57 agencies having jurisdiction. Such access
58 permit shall be temporary, revocable, and
59 subject to any conditions required.

60 Sec. 66.0407 Other Parking Restrictions

61 (a) Vehicle and implements.
62 No visible unlicensed vehicle or unser-
63 viceable implements or equipment is per-
64 mitted within the Village limits.
65 (b) Business districts.
66 In the B-1, B-2, B-3, P-1 and I-1 districts no
67 part of the front yard and side yards shall
68 be used for the temporary or permanent
69 storage of boats, vehicles, equipment or
70 materials, except for the parking of li-
71 censed motor vehicles in permitted parking
72 lots. (Amended Ordinance 202-091112)
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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0407 OTHER PARKING RESTRICTIONS

SEC. 66.0407 OTHER PARKING RESTRICTIONS

1

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0501 ACCESSORY USES AND STRUCTURES

SEC. 66.0501 ACCESSORY USES AND STRUCTURES

SECTION 500 - ACCESSORY USES, HOME OCCUPATIONS, FENCES, AND ANTENNAS

1 Sec. 66.0501 Accessory Uses and Structures

2 Accessory uses and structures are those that are
3 usually and customarily incidental to the principal
4 use that is located on the same property as the ac-
5 cessory use or structure. Accessory uses shall be
6 permitted in any district as may be specified in the
7 appropriate district regulations or herein.

8 (a) General regulations.

9 Accessory structures shall be subject to the
10 following regulations:

11 (1) Permit required. Accessory struc-
12 tures shall require a regular zoning
13 permit except: minor structures such
14 as birdhouses, yard light poles,
15 birdbaths, doghouses (housing dogs
16 which are licensed as the personal
17 pets of the residents of the property),
18 tree houses, noncommercial fuel
19 storage tanks and pumps, clothes-
20 line poles, lawn ornaments, flag
21 poles, mailboxes, garbage contain-
22 ers, ice fishing shanties, school bus
23 waiting shelters, and farm livestock
24 hutches. Accessory buildings greater
25 than 120 square feet in area shall
26 also require the issuance of a build-
27 ing permit.

28 (2) Living quarters prohibited. Accessory
29 structures shall not contain living
30 quarters.

31 (3) Accessory structures shall be locat-
32 ed on the same lot as the principal
33 use to which it is accessory.

34 (4) Accessory structures shall not be
35 permitted until its associated princi-
36 pal structure is present or under
37 construction, except that one acces-
38 sory building may be permitted pri-
39 or to the erection of a principal
40 structure only in the CS-1, R-1, R-3
41 and R-4 districts. (Amended Ordi-
42 nance 117-041806).

43 (5) No pole or block buildings with
44 smooth faced block or standing rib
45 metal siding will be permitted in
46 any district.

47 (6) Design guidelines. All accessory
48 structures except on residential par-
49 cels shall comply with the architec-

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tural standards, as provided in sec-
tion 66.1055. [See page 137]

(7) The installation of sanitary sewer
service and water service to an ac-
cessory building shall be permitted
for a toilet and sink(s), upon the is-
suanace of a zoning permit, subject
to the following requirements:
(Amended Ordinance 144-081208)

a. The installation shall be sub-
ject to building code permit-
ting and inspection under
Chapter 14 Building Code.

b. The installation shall be sub-
ject to standards, policies,
fees and charges in Chapter
62 Utilities.

c. The accessory building shall
not contain living quarters.

d. The violation of the provi-
sions of this subsection shall:

1. Result in a fine of
\$5,000 per month ret-
roactive to date the
living quarters were
found to have been
created in the build-
ing; and

2. The removal of the
water and sanitary
sewer service from the
building; and

3. The removal of the
living quarters found
in the building; and

4. In addition, the pay-
ment of all fees and
penalties associated
with impact fees, zon-
ing permits, building
permits and other ap-
plicable fees if not
paid at the time the
installation occurred.

e. If the violation of this subsec-
tion does not involve living
quarters (7)(c) then the fol-
lowing shall apply:

1. Result in a fine of
\$500 per month ret-
roactive to date the
improperly installed
installation was found
to have been created
in the building; and

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0501 ACCESSORY USES AND STRUCTURES

SEC. 66.0501 ACCESSORY USES AND STRUCTURES

- | | | | | | |
|----|-----|----|---|-----|------------------------------|
| 1 | | 2. | The inspection of the | 57 | rating per ILHR 21.08. |
| 2 | | | installation under the | 58 | Without the one-hour |
| 3 | | | then current building | 59 | fire rating, the mini- |
| 4 | | | code; and | 60 | imum separation shall |
| 5 | | 3. | In addition, the pay- | 61 | be ten (10) feet. |
| 6 | | | ment of all fees and | 62 | |
| 7 | | | penalties associated | 63 | 2. An accessory building |
| 8 | | | with impact fees, zon- | 64 | over 120 square feet |
| 9 | | | ing permits, building | 65 | may be erected, al- |
| 10 | | | permits and other ap- | 66 | tered or moved to a |
| 11 | | | plicable fees if not | 67 | location within ten |
| 12 | | | paid at the time the | 68 | (10) feet of the nearest |
| 13 | | | installation occurred. | 69 | wall of the principal |
| 14 | (b) | | <u>Setback requirements.</u> | 70 | building. |
| 15 | (1) | | All accessory structures except the | 71 | c. Side yard setback. |
| 16 | | | minor structures in subsection (a)(1) | 72 | 1. See district require- |
| 17 | | | shall comply with all setback and | 73 | ment for primary |
| 18 | | | yard requirements for accessory | 74 | structures. (<i>Amended</i> |
| 19 | | | structures. (<i>Amended Ordinance</i> | 75 | <i>Ordinance 207-</i> |
| 20 | | | <i>207-100912</i>) | 76 | <i>100912</i>) |
| 21 | (2) | | If the Plan Commission establishes a | 77 | d. Rear yard setback. |
| 22 | | | large project setback as specified in | 78 | 1. See district require- |
| 23 | | | Section 66.0307(d) that setback | 79 | ment for primary |
| 24 | | | shall also apply to all accessory | 80 | structures. (<i>Amended</i> |
| 25 | | | buildings. (<i>Amended Ordinance</i> | 81 | <i>Ordinance 207-</i> |
| 26 | | | <i>207-100912</i>) | 82 | <i>100912</i>) |
| 27 | (3) | | All accessory buildings for all zon- | 83 | e. Front yard setback. |
| 28 | | | ing districts, shall comply with the | 84 | 1. No accessory building |
| 29 | | | following setback requirements. | 85 | shall be placed in a |
| 30 | | | (<i>Amended Ordinance 207-100912</i>) | 86 | front yard setback ar- |
| 31 | | | (Entire subsection amended Ordina- | 87 | ea, except as part of a |
| 32 | | | nce 146-110408) | 88 | conditional use permit |
| 33 | a. | | Setback from easements. | 89 | issued by the Plan |
| 34 | | 1. | No accessory building | 90 | Commission |
| 35 | | | shall be placed over | 91 | (Amended 111715) |
| 36 | | | an easement that pro- | 92 | 2. Existing single-family |
| 37 | | | hibits such placement. | 93 | homes as of July 1, |
| 38 | | | No accessory building | 94 | 2008, in the R-1 dis- |
| 39 | | | shall encroach into | 95 | trict located within |
| 40 | | | the public right-of- | 96 | one hundred (100) |
| 41 | | | way. No accessory | 97 | feet of the ordinary |
| 42 | | | building shall en- | 98 | high water mark may |
| 43 | | | croach upon the street | 99 | be permitted to have |
| 44 | | | yard of a corner lot. | 100 | one accessory build- |
| 45 | b. | | Setback from principal build- | 101 | ing located in the |
| 46 | | | ings. | 102 | front yard area set- |
| 47 | | 1. | An accessory building | 103 | back area. The acces- |
| 48 | | | of 120 square feet or | 104 | sory building may not |
| 49 | | | less may be erected, | 105 | be located any closer |
| 50 | | | altered or moved to a | 106 | than forty (40) feet |
| 51 | | | location that is not | 107 | from the edge of the |
| 52 | | | less than five (5) feet | 108 | pavement and fifteen |
| 53 | | | from the nearest wall | 109 | (15) feet from the side |
| 54 | | | of a principal build- | 110 | lot line. Any modifica- |
| 55 | | | ing; if it is constructed | 111 | tions to non- |
| 56 | | | with a one-hour fire | 112 | conforming accessory |
| | | | | | buildings subject to |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0501 ACCESSORY USES AND STRUCTURES

SEC. 66.0501 ACCESSORY USES AND STRUCTURES

1 this exemption shall 57
2 comply with 58
3 §66.0903. If an exist- 59
4 ing home is demol- 60
5 ished and rebuilt then 61
6 Section §66.0501 62
7 (b)(2)(e)(1) shall apply. 63
8 (4) Structures not buildings. 64
9 The following accessory structures that are 65
10 not buildings shall be constructed on a 66
11 property as follows: 67
12 a. Patios, constructed at or be- 68
13 low yard grade, may be in- 69
14 stalled in the rear or side 70
15 yard adjacent to a principal 71
16 structure without the issu- 72
17 ance of a zoning permit; and 73
18 shall not be located closer 74
19 than five feet to a lot line. 75
20 b. Decks located adjacent to or 76
21 attached to a principal struc- 77
22 ture shall not be closer to the 78
23 lot line than the required 79
24 front, side and rear setbacks 80
25 for principal structures for 81
26 the district in which they are 82
27 located. Freestanding decks 83
28 surrounding private swim- 84
29 ming pools shall be located 85
30 at least ten feet from the 86
31 principal structure and shall 87
32 be located at least ten feet 88
33 from a side or rear lot line. 89
34 All decks shall require the is- 90
35 suance of a zoning permit. 91
36 c. Air conditioning condensers 92
37 may be located adjacent to a 93
38 principal structure in the rear 94
39 yard and side yard, without 95
40 the issuance of a zoning 96
41 permit; provided, that all 97
42 condensers shall be located 98
43 at least five feet from a side 99
44 or rear lot line. Air condition- 100
45 ing condensers shall not be 101
46 located in the front yard. 102
47 d. Propane tanks may be locat- 103
48 ed adjacent to a principal 104
49 structure in the rear yard and 105
50 side yard, provided, that all 106
51 tanks shall be located at least 107
52 five feet from a side or rear 108
53 lot line. Propane tanks shall 109
54 not be located in the front 110
55 yard. Propane tanks shall be 111
56 buried unless blasting in rock 112

- is required in which case the
tank shall be screened.
(Amended 134-121107)
- e. Private swimming pools are
permitted as accessory uses
in the rear yard in any dis-
trict; except the W-1 district;
however the swimming pool
shall be located at least 20
feet from any side or rear lot
line, and be installed in ac-
cordance with the Village
building, plumbing, and
electrical codes, including
the issuance of all required
permits including a zoning
permit.
- f. Private tennis courts are
permitted as accessory uses
in the rear yard in any dis-
trict; except the W-1 district.
A zoning permit is required
for all tennis courts and:
1. All tennis courts shall
be surrounded by a
fence not less than ten
feet in height.
 2. No lighting installed
around a tennis court
shall project onto ad-
jacent properties; and
 3. No private tennis
court shall be located
closer than ten feet to
a lot line.
- g. Firewood shall not be stored
in the front yard.
- h. Flagpoles are permitted as
accessory uses in all yards of
any zoning district.

(c) Floor area requirements. (Amended Ordinance 207-100912)

The permitted area of an accessory buildings listed below is also subject to the respective zoning district open space requirements.

- (1) The combined maximum building footprint of accessory buildings on R-1 and R-4 residential lots shall not exceed the area of the building footprint of the principal building.
- (2) The combined maximum building footprint of accessory buildings on R-3 and CS-1 lots shall not exceed 3,000 square feet without Plan Commission permit approval.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0501 ACCESSORY USES AND STRUCTURES

SEC. 66.0501 ACCESSORY USES AND STRUCTURES

- | | | | | | |
|----|-----|--|-----|--|--|
| 1 | (3) | The combined maximum building | 56 | | |
| 2 | | footprint of accessory buildings on | 57 | | |
| 3 | | R-2, B-1, B-2, B-3, I-1 and P-1 lots | 58 | | |
| 4 | | shall not exceed the total footprint | 59 | | |
| 5 | | of the principal building(s) without | 60 | | |
| 6 | | Plan Commission permit approval. | 61 | | |
| 7 | (4) | Buildings accessory to general agri- | 62 | | |
| 8 | | cultural uses on farms or orchards | 63 | | |
| 9 | | shall not be restricted in floor area. | 64 | | |
| 10 | | Golf courses consisting of at least 9 | 65 | | |
| 11 | | holes and 2,500 playable yards, the | 66 | | |
| 12 | | total floor area of all accessory | 67 | | |
| 13 | | buildings on the lot shall not exceed | 68 | | |
| 14 | | 3,000 square feet. | 69 | | |
| 15 | (d) | <u>Height, Architectural and Site Plan Re-</u> | 70 | | |
| 16 | | <u>quirements.</u> (<i>Amended Ordinance 207-</i> | 71 | | |
| 17 | | <i>100912</i>) | 72 | | |
| 18 | (1) | The maximum height of an accesso- | 73 | | |
| 19 | | ry building shall not exceed the | 74 | | |
| 20 | | height of the principal building to | 75 | | |
| 21 | | which it is accessory, without Plan | 76 | | |
| 22 | | Commission permit approval, up to | 77 | | |
| 23 | | a maximum height of 35 feet. | 78 | | |
| 24 | (2) | Accessory buildings on R-2, B-1, B- | 79 | | |
| 25 | | 2, B-3, I-1 and P-1 lots shall con- | 80 | | |
| 26 | | form to the established architectural | 81 | | |
| 27 | | appearance, which exists for the | 82 | | |
| 28 | | primary structure(s). | 83 | | |
| 29 | (3) | Accessory buildings on R-2, B-1, B- | 84 | | |
| 30 | | 2, B-3, I-1 and P-1 lots, which do | 85 | | |
| 31 | | not appear on an approved site | 86 | | |
| 32 | | plan, in excess of 120 square feet, | 87 | | |
| 33 | | require an amendment to the ap- | 88 | | |
| 34 | | proved site plan by the Plan Com- | 89 | | |
| 35 | | mission, before a zoning permit can | 90 | | |
| 36 | | be issued. | 91 | | |
| 37 | (e) | <u>Home occupations.</u> | 92 | | |
| 38 | | Home occupations are permitted accessory | 93 | | |
| 39 | | uses in any residential district and shall be | 94 | | |
| 40 | | approved by the Plan Commission. Home | 95 | | |
| 41 | | occupations and professional home offices | 96 | | |
| 42 | | shall be permitted when incidental to the | 97 | | |
| 43 | | principal residential use, situated upon the | 98 | | |
| 44 | | same premise (inside and/or outside) and | 99 | | |
| 45 | | carried on by the residential occupant, | 100 | | |
| 46 | | subject to the following conditions, pro- | 101 | | |
| 47 | | vided that: | 102 | | |
| 48 | (1) | The primary use of the structure | 103 | | |
| 49 | | shall be a dwelling unit. | 104 | | |
| 50 | (2) | The following standards shall be | 105 | | |
| 51 | | complied with in full at all times: | 106 | | |
| 52 | a. | No more than one full time | 107 | | |
| 53 | | equivalent person who is not | 108 | | |
| 54 | | a resident of the dwelling | 109 | | |
| 55 | | unit shall be engaged or em- | 110 | | |
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|--|----|---------------------------------|--|
| | | ployed in the home occupa- | |
| | | tion on the premises. | |
| | b. | No mechanical equipment | |
| | | shall be utilized except that | |
| | | which is necessarily, cus- | |
| | | tomarily, or ordinarily used | |
| | | for household or leisure pur- | |
| | | poses. | |
| | c. | No toxic, explosive, flamma- | |
| | | ble, combustible, corrosive, | |
| | | etiologic, radioactive, or oth- | |
| | | er restricted materials shall | |
| | | be used or stored on the site | |
| | | except those, which are nec- | |
| | | essarily, customarily, or or- | |
| | | dinarily used for household | |
| | | or leisure purposes. | |
| | d. | There shall be no outside | |
| | | operations, storage, or dis- | |
| | | play of materials or products. | |
| | e. | The home occupation shall | |
| | | not occupy more than 20 | |
| | | percent of the square footage | |
| | | of the primary residence. The | |
| | | 20 percent can be utilized | |
| | | inside and/or outside. The | |
| | | space, either inside or out- | |
| | | side, cannot exceed 20 per- | |
| | | cent of the square footage of | |
| | | the primary residence. | |
| | f. | No alteration of the residen- | |
| | | tial appearance of the prem- | |
| | | ises shall occur, including | |
| | | the creation of a separate en- | |
| | | trance for the home occupa- | |
| | | tion. | |
| | g. | No process shall be used | |
| | | which is hazardous to public | |
| | | health, safety, or welfare or | |
| | | would create a nuisance or | |
| | | be otherwise incompatible to | |
| | | the surrounding residential | |
| | | area; nor the removal of | |
| | | sand, gravel, stone, topsoil or | |
| | | peat moss for commercial | |
| | | purposes. | |
| | h. | The home occupation shall | |
| | | not displace or impede use | |
| | | of required parking spaces, | |
| | | including any business stor- | |
| | | age in required garage park- | |
| | | ing areas. | |
| | i. | All signage shall comply with | |
| | | section 66.0730(c). [See | |
| | | page 107]. | |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0502 FENCES

SEC. 66.0502 FENCES

- 1 j. Any off-street parking area 57
2 provided shall be maintained 58
3 reasonably dustless and ade- 59
4 quately screened from ad- 60
5 joining residential properties. 61
6 One off-street parking space 62
7 shall be provided per 150 63
8 square feet of floor area used 64
9 for the household occupa- 65
10 tion. 66
11 k. The home occupation shall 67
12 not include the conduct of 68
13 any retail or wholesale busi- 69
14 ness on the premises, except 70
15 for the sale of products pro- 71
16 duced by the home occupa- 72
17 tion. 73
- 18 (3) The following uses are examples of
19 permitted home occupations:
20 a. Architectural services. 74
21 b. Art restoration. 75
22 c. Art studios. 76
23 d. Babysitting. 77
24 e. Cake decorating. 78
25 f. Consulting services. 79
26 g. Contracting, except car- 80
27 pentry, masonry services, 81
28 electrical services, plumbing, 82
29 and painting; 83
30 h. Data processing. 84
31 i. Direct sales representative. 85
32 j. Drafting and graphic ser- 86
33 vices. 87
34 k. Dressmaking, sewing, tailor- 88
35 ing, contract sewing (no 89
36 more than one type of any 90
37 machine). 91
38 l. Engineering services. 92
39 m. Financial planning and in- 93
40 vestment services. 94
41 n. Flower arranging. 95
42 o. Gardening and grass cutting. 96
43 p. Home crafts (including ce- 97
44 ramics with a kiln up to six 98
45 cubic feet). 99
46 q. House cleaning services. 100
47 r. Interior design. 101
48 s. Jeweler and jewelry making. 102
49 t. Laundry and ironing services. 103
50 u. Locksmith. 104
51 v. Millinery. 105
52 w. Private educational, musical 106
53 or artistic lessons. 107
54 x. Professional home offices. 108
55 y. Sales representative (office 109
56 only). 110
111
- z. Tutoring.
aa. Typing and word processing services.
bb. Wallpapering.
cc. Watch repair;
dd. Writing and computer programming.
ee. Home occupations shall not be considered a non-conforming use should the regulations of this chapter be revised or amended.
- (f) Rummage Sales.
Rummage sales shall not exceed three days in length nor occur more than six times per year and may be conducted in any residential, institutional or the B-2 district.
- Sec. 66.0502 Fences**
Fences are a permitted accessory use in any district and may be erected provided, that fences comply with the following requirements:
- (a) Fencing in general.
All fencing shall be placed on the property or properties being screened and shall not project into a public right-of-way, shall not obstruct the vision clearance triangle, and shall not extend over side or rear property lines. Planted fences shall be located away from the property line in locations where natural growth will not extend beyond the property lines, or the plantings shall be maintained at these lines.
- (b) Fencing locations.
Fences are permitted up to the lot line in the side and rear yards of all districts. Fences along the side and rear lot lines shall not exceed a height of six feet and shall not extend into the street yard. Fences paralleling any street shall not exceed four feet in height, except they may be constructed to a maximum height of six feet if they are constructed within the building envelope, excluding the front yard.
- (c) Fence permits.
No fence, except an ornamental fence, snow fence or fence constructed by utilities, shall be constructed in the Village without first obtaining a zoning permit from the Zoning Administrator.
- (d) Front yard and street yard fences.
No fence requiring a permit shall be constructed beyond the front of any building or in the street yard, except an ornamental fence; or where aesthetic considerations

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0503 ANTENNAS

SEC. 66.0503 ANTENNAS

may require a fence or wall to screen a parking lot; or to screen the impact of a State highway; or other unattractive area, or to generally improve the aesthetics of a development. Such fence or wall may be erected by approval of the Plan Commission, which approval may include design or other architectural requirements.

(e) Signs on fences.

Signs on fences shall be permitted according to section 66.0700-66.0791. [See page 106]

(f) Fencing orientation.

Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property owner or public street. Fence posts shall be on the side of the fence facing the permit applicant's property.

(g) Fencing materials.

All fences shall be constructed in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. All fences shall be maintained in good and aesthetic condition so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. Chain link fences are not allowed in residential districts. No fence may be constructed or maintained in such a manner, which is detrimental to human life or safety or causes a traffic hazard.

(h) Electric fences.

Electric fences are permitted in the CS-1 district only. Electric fences are permitted adjacent to the lot line and shall not exceed four feet in height in the street yard or six feet in height in the side and rear yard. Underground electric fences are allowed in all districts.

(i) Security fences.

Security fences are permitted, upon the issuance of a zoning permit, adjacent to the property lines in all districts except residential districts, and shall not exceed ten feet in height. The Plan Commission shall determine, before the issuance of a zoning permit, on a case-by-case basis the opacity of security fences, based upon consideration of the need to screen materials and upon safety considerations. Security fences shall comply with the traffic visibility requirements set forth in section 66.0401 [See page 81] of this chapter.

(j) Snow fences.

Snow fences are permitted without a permit provided that such snow fence shall not be installed prior to November 1 and shall be removed no later than April 1 of the following year.

(k) Corner lot fences.

All fences on corner lots shall comply with the other requirements of this section; however, the location of corner lot fences shall be allowed at the discretion of the Zoning Administrator, in conformity with reasonable interpretation of this chapter or at variance there from after considering the location and layout of the residence, garage, driveways and/or other buildings on the lot; general architecture and location of buildings on the subject lot as well as on surrounding properties; visibility to nearby pedestrian and vehicular traffic; and such other additional considerations as may be peculiar to the subject property and general area. Any person aggrieved by a decision of the Zoning Administrator may appeal for reconsideration by the Plan Commission, which is hereby empowered to hear such appeals. The appeals process shall follow the same process as set out for appeals to the Board of Appeals under section 66.1601, [See page 161] however, publication of notice and appeal fees shall be discretionary with the Plan Commission.

Sec. 66.0503 Antennas

Antennas, including earth station dish antennas, are permitted as accessory uses. Terrestrial antennas may be located in the rear yard or on the roof of the principal structure in all residential districts. Earth station dish antennas may be located in the rear yard in any residential district. Terrestrial antennas and earth station dish antennas may be located in the side or rear yard or on the roof of the principal structure in all agricultural, business, institutional or park districts. In addition:

(a) All antennas, including earth station dish antennas, shall be manufactured and installed in compliance with Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations and applicable Village building and electrical codes.

(b) Not more than one terrestrial and one earth station dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.

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SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

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- (c) Earth station dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
- (d) No form of advertising or identification may be displayed on the dish or framework of an earth station dish other than the customary manufacturer's identification plates.
- (e) Portable or trailer-mounted antennas are not permitted; with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed two days at any one location.
- (f) Communication structures, such as radio and television transmission and relay towers, aerials, and radio and television receiving and transmitting antennas, not including ground and building-mounted earth station dish antennas, shall not exceed a height of three times their distance from the nearest lot line. Ground-mounted earth station dish antennas shall not exceed a height of 15 feet. Building-mounted earth station dish antennas shall not exceed the maximum height regulation of the district in which they are located.

Sec. 66.0504 Wireless Telecommunication Sites

The intent of this regulation is to provide for the establishment and or expansion of wireless telecommunication services within the Village while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community.
 - Encourage providers to co-locate their facilities on a single tower.
 - Minimize the location of facilities in visually sensitive areas.
 - Encourage creative design measures to camouflage facilities.
 - Protect residential areas from potential adverse impacts of communication towers.
 - Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (a) Location preferences.
The locations for siting the equipment involved in receiving or transmitting elec-

tromagnetic waves associated with wireless telecommunication services are listed in the following order of preference.

- (1) On existing, towers that otherwise meet local, State and Federal regulations.
- (2) On existing structures such as buildings, water towers and utility poles.
- (3) On new towers less than 100 feet in height located in institutional zones.
- (4) On new towers 100 feet or greater in height located in institutional zones.
- (5) On new towers less than 100 feet in height located in a business zone.
- (6) On new towers 100 feet or greater in height located in business zones.
- (7) On new towers less than 100 feet in height located in residential zones.
- (8) On new towers 100 feet or greater in height located in residential zones.

(b) Permitted uses.

The following uses which, generally pose minimum adverse visual effect, shall be permitted without review by the Plan Commission. Such permitted uses must obtain a zoning and building permit, and are subject to the submittal requirements established in sections 66.1530 and 66.0504(e) of the Municipal Code.

- (1) Wireless telecommunications sites where the antenna is mounted to existing buildings, towers, utility poles, water towers, light standards or other structures provided the following standards are met:
 - a. No changes are made to the height of such structure.
 - b. No panel antenna shall exceed 72 inches in height and 24 inches in width.
 - c. No dish antenna shall exceed three feet in diameter.

(c) Uses allowed only by conditional use permit.

Wireless telecommunications sites not otherwise permitted in subsection (c) shall be considered conditional uses in all zoning districts. All accompanying equipment buildings or boxes shall be screened and fenced as approved by the Village as part of the site plan review. In addition to specific requirements listed in subsections (f) and (g), the standards provided in section

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66.1535 [See page 156] shall also apply to applications submitted under this section.

(d) Site Plan Requirements.

All proposals to develop a wireless telecommunication site shall be subject to the site plan requirements listed in section 66.1050 of these regulations. In addition, the following information shall be submitted:

(1) Permitted Use:

a. A plan showing where and how the proposed antenna will be affixed to a building or structure.

b. Details of all proposed antenna and mounting equipment including size and color.

c. An elevation of all proposed equipment buildings or boxes and details of all proposed fencing and screening.

d. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.

e. A report from a licensed engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications.

f. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.

g. Proof that either the applicant or co-applicant holds a bona fide license from the

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Federal Communications Commission (FCC) to provide the telecommunications services that the proposed tower is designed to support.

h. A report or letter from the Federal Aviation Administration (FAA) that the proposed tower complies with all airport safety requirements of and for Ephraim-Gibraltar Airport.

i. A map depicting the extent of the provider has planned coverage within the Village of Sister Bay and the service area of the proposed wireless telecommunications site.

j. A map indicating the search radius for the proposed wireless telecommunication site.

(2) Conditional Use Permit.

a. All of the plans and information required for Permitted Uses in the previous subsection.

b. Upon request of the Plan Commission, the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Plan Commission ascertain the visual impacts associated with such proposal.

c. For towers located in a residential zoning district or within 1,000 feet of a residential zoning district, the applicant shall provide a view shed analysis showing all areas from which the tower would be visible.

(e) Height and setback requirements.

(1) Height.

a. The maximum height of a tower proposed under section 66.0504 shall be 200 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower

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|----|-----|---------------------------------|-----|-----|---|
| 1 | | including the antenna and all | 57 | | feet or greater in area, shall |
| 2 | | other appurtenances. | 58 | | comply with the minimum |
| 3 | b. | The maximum height of any | 59 | | property line setbacks for a |
| 4 | | rooftop mounted equipment | 60 | | principal building in the un- |
| 5 | | building or box shall be 15 | 61 | | derlying zone. |
| 6 | | feet above the roof surface. | 62 | e. | All equipment build- |
| 7 | (2) | Setbacks. | 63 | | ings/boxes or equipment are- |
| 8 | a. | All freestanding monopole | 64 | | as which are each less than |
| 9 | | towers shall comply with the | 65 | | 50 square feet in area shall |
| 10 | | following minimum property | 66 | | comply with the following |
| 11 | | line setbacks: | 67 | | minimum property line set- |
| 12 | 1. | Front yard or street | 68 | | backs: |
| 13 | | yard – A distance | 69 | 1. | Front yard or street |
| 14 | | equal to $\frac{3}{4}$ of the | 70 | | yard – Same as for a |
| 15 | | height of the tower or | 71 | | principal building in |
| 16 | | the setback required | 72 | | the underlying zone. |
| 17 | | for the underlying | 73 | 2. | Rear and side yards – |
| 18 | | zone, whichever is | 74 | | five feet. |
| 19 | | greater. | 75 | (f) | <u>General requirements.</u> |
| 20 | 2. | Side or rear yards in | 76 | (1) | No wireless telecommunication site |
| 21 | | residential zones, 50 | 77 | | shall be located within 200 feet of |
| 22 | | feet for towers less | 78 | | an existing or proposed residence. |
| 23 | | than 60 feet in height | 79 | (2) | No lights shall be mounted on pro- |
| 24 | | and 100 feet for tow- | 80 | | posed towers unless otherwise re- |
| 25 | | ers equal to or greater | 81 | | quired by the FAA. All strobe light- |
| 26 | | than 60 feet. | 82 | | ing, except for municipal purposes, |
| 27 | 3. | Side or rear yards in | 83 | | shall be avoided if possible. |
| 28 | | nonresidential zones, | 84 | (3) | Towers not requiring special FAA |
| 29 | | 25 feet for towers less | 85 | | painting or markings shall be paint- |
| 30 | | than 60 feet in height | 86 | | ed a non-contrasting blue or gray. |
| 31 | | and 50 feet for towers | 87 | (4) | Towers may not be used to exhibit |
| 32 | | equal to or greater | 88 | | any signage or other advertising. |
| 33 | | than 60 feet. Where a | 89 | (5) | Any proposed tower shall be de- |
| 34 | | side or rear lot line is | 90 | | signed in all respects to accommo- |
| 35 | | contiguous to a resi- | 91 | | date both the applicant's antennas |
| 36 | | dential zone, the set- | 92 | | and comparable antennas for at |
| 37 | | back for that particu- | 93 | | least two additional users if the |
| 38 | | lar yard shall be as re- | 94 | | tower is over 100 feet in height or |
| 39 | | quired for such a tow- | 95 | | for at least one additional compara- |
| 40 | | er in a residential | 96 | | ble antenna if the tower is between |
| 41 | | zone. | 97 | | 50 and 100 feet in height. The Plan |
| 42 | b. | All other towers in residential | 98 | | Commission may require the tower |
| 43 | | zones shall provide a setback | 99 | | to be of such design as to allow for |
| 44 | | from any property line that is | 100 | | future rearrangement of antennas |
| 45 | | equal to 125 percent of the | 101 | | upon the tower and to accommo- |
| 46 | | proposed tower height or | 102 | | date antennas mounted at varying |
| 47 | | 200 feet, whichever is great- | 103 | | heights. |
| 48 | | er. | 104 | (6) | Antennas or equipment build- |
| 49 | c. | All other towers in nonresi- | 105 | | ings/boxes mounted to or on build- |
| 50 | | dential zones shall provide a | 106 | | ings or structures shall, to the great- |
| 51 | | setback from any property | 107 | | est degree possible, blend with the |
| 52 | | line equal to the height of the | 108 | | color and design of such building or |
| 53 | | tower. | 109 | | structure. |
| 54 | d. | All equipment build- | 110 | (7) | No proposed wireless telecommu- |
| 55 | | ings/boxes or equipment are- | 111 | | nication site shall be designed, lo- |
| 56 | | as, which are each 50 square | 112 | | cated or operated as to interfere |

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SEC. 66.0505 WIND POWER GENERATING TOWERS

SEC. 66.0505 WIND POWER GENERATING TOWERS

with existing or proposed public safety communications.

(8) The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for emissions.

(9) All utilities proposed to serve new wireless telecommunication sites shall be installed underground unless otherwise approved by the Plan Commission.

(10) All generators installed in conjunction with any wireless telecommunication site shall comply with all Village noise regulations.

(g) Factors upon which conditional use permit decisions of the Plan Commission shall be based.

In considering applications for wireless telecommunication sites, the Plan Commission shall also find:

(1) In the case where an application for the proposed location of a wireless telecommunication facility is not a preferred site as identified in section 66.0504(b)(1) through (8), that the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation should evaluate the following factors:

a. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost as determined by the Plan Commission.

b. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable

cost as determined by the Plan Commission.

c. The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost as determined by the Plan Commission.

d. Any restriction or limitation imposed by the FCC.

(h) Abandonment.

A wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. If the service facility owner fails to remove their facilities within this period, after receiving prior written notice from the Village, the Village shall remove said facilities and shall charge the cost of such removal to the property involved, pursuant to Wisconsin Statutes Section 66.0413.

(i) Expiration of permit.

The approval of an application for conditional use permit shall be void and of no effect unless construction of the project commences within one year and is completed within two years from the date of the approval granted by the Village Board. For purposes of this regulation, start of construction shall be defined as the installation of a permanent building foundation or slab. The Village Board may grant up to two six-month extensions of the time to start construction upon written request by the applicant. The Village Board shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the extended time period sought. The Village Board may, as a condition of approval of a

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SEC. 66.0505 WIND POWER GENERATING TOWERS

SEC. 66.0506 OUTDOOR DISPLAYS

conditional use permit, establish a time that such conditional use permit shall remain in effect.

Sec. 66.0505 Wind Power Generating Towers

Wind power generation shall be permitted in any district in the Village, in conformance with Wisconsin 2009 Act 40, PSC 128, and shall it be permitted on the waters of Green Bay within the jurisdiction of the Village.

Sec. 66.0506 Outdoor Displays

(a) Outdoor displays which are allowed on a regular basis in the B-1 District and do not require a permit.

No permit will be required if the owner of a business in the B-1 District wishes to display merchandise which is for sale outdoors, excluding the items included in (d). The display must satisfy the following requirements:

- (1) The outdoor display of merchandise shall not extend more than 50 percent from the building into the required front setback area.
- (2) Signs, screening, enclosures, landscaping or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including pedestrian traffic.
- (3) The display area shall not inhibit the use of or number of required parking stalls.
- (4) Display areas shall be separated from any vehicular parking or circulation area and the separation shall be clearly indicated.
- (5) If goods are removed from the display area, all support fixtures shall also be removed.

(b) Outdoor displays which are allowed on a regular basis in the B-2 and B-3 Districts and do not require a permit.

No permit will be required if the owner of a business in the B-2 District or the B-3 District wishes to display a small amount of merchandise which is offered for sale outdoors, excluding the items included in (d). The display must satisfy the following requirements:

- (1) The appearance of the display must be proportionate to the size of the building in which the store is located.
- (2) The items to be displayed outdoors must be placed at least twenty feet

from the face of the curb. If it will be impossible for a business owner to satisfy the twenty-foot regulation a small display will be allowed by the building entrance.

(c) Number of sidewalk sales allowed per calendar year.

(1) No permit will be required for sidewalk sales in any of the business districts, but no more than twelve (12) of such sales will be allowed in a calendar year.

(2) The appearance of the merchandise displayed during a sidewalk sale must also be proportionate to the size of the building in which the store is located.

(d) Outdoor displays which do require a permit in all business districts.

(1) If the owner of a business in any business district within the Village limits wishes to display larger items such as automobiles, trucks, motorcycles, RV's, campers, ATV's, boats and the like, a permit which delineates the area where the large item display will be allowed is required, but the display must meet the following requirements:

- (2) The display shall not extend more than 20 percent from the building into the front yard area, and may not extend into the required side or rear setbacks.
- (3) Automobiles, trucks, motorcycles and boats shall only be displayed or placed on a surface as specified in Section 66.0403(f)(1) of the Zoning Code.
- (4) The display area shall not inhibit the use of or number of required parking stalls.
- (5) Display areas shall be separated from any vehicular parking or circulation area and the separation shall be clearly indicated.
- (6) If goods are removed from the display area, all support fixtures shall also be removed.

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SEC. 66.0506 OUTDOOR DISPLAYS

SEC. 66.0506 OUTDOOR DISPLAYS

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0601 HEIGHT MODIFICATIONS

SEC. 66.0602 SETBACK MODIFICATIONS

SECTION 600 - MODIFICATIONS

Sec. 66.0601 Height Modifications

The district height limitations included elsewhere in this chapter may be exceeded, but shall be in accord with the following:

(a) Architectural projections.

Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter, but may be regulated by FCC or FAA regulations where applicable. The cupolas shall not exceed 64 square feet in floor area including stairwells and shall not be higher than eight feet above the adjacent roof ridge and not contain any living quarters.

(b) Special structures.

Special structures, such as elevator pent-houses, grain elevators, necessary mechanical appurtenances, cooling towers, fire towers, solar collectors, substations and smoke stacks, are exempt from the height limitations of this chapter.

(c) Essential services.

Essential services, utilities, water towers and electric power and communication transmission lines are exempt from the height limitations of this chapter.

(d) Observation towers.

Observation towers shall not exceed in height two times their distance from the nearest lot line.

(e) Agricultural structures.

Agricultural structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.

Sec. 66.0602 Setback Modifications

The setback requirements included elsewhere in this chapter may be modified as follows:

(a) Architectural projections.

Architectural projection, such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies and similar architectural features may encroach into setbacks by no more than four feet, subject to compliance with applicable standards of the Building Code and Fire Code. Eaves, overhangs, cornices, awnings, canopies and similar architectural features may encroach into the right-of-way subject to

conditional use approval by the Plan Commission. Walls and fences may be placed on the property line, subject to the requirements of standards on Landscaping and Fences and Walls.

(b) Essential services.

Essential Services, utilities and electric power and communication transmission lines are exempt from the setback requirements of this chapter.

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SEC. 66.0602 SETBACK MODIFICATIONS

SEC. 66.0602 SETBACK MODIFICATIONS

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0700 PURPOSE AND INTENT

SEC. 66.0701 DESIGN GUIDELINES

SECTION 700 - SIGNS

1 Note: This entire section was revised by Ordinance 185-041211.

3 Sec. 66.0700 Purpose and Intent

4 (a) The purpose of this Sign Section is to provide the legal framework and minimum standards to safeguard life, property, public welfare by regulating and controlling the number, size, quality of materials, construction, location, illumination, installation and maintenance of all signs as compatible with zoning regulations.

12 (b) This chapter recognizes the need for well-maintained and attractive sign displays within the Village and the need for adequate business identification, advertising and communication. Because of the unique qualities of the Village of Sister Bay, which need to be protected and enhanced, a high degree of control over the construction materials of signs is deemed to be an important public purpose.

22 (c) This chapter authorizes the use of signs on public and private property, provided the signs are:

- 25 (1) Compatible with the Zoning District regulations.
- 27 (2) Compatible with the approved Architectural Design Manual and other approved guides and manuals.
- 30 (3) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- 34 (4) Legible, readable, visible and well designed for the circumstances in which they are used.
- 37 (5) Respectful of the reasonable rights of other advertisers.
- 39 (6) Not covering any major architectural detail.

41 Sec. 66.0701 Design Guidelines

42 (a) The Village recognizes the decision of the United States Supreme Court, as outlined in Reed v. Gilbert. As such, section 66.0701 is intended to act as a set of suggestions to sign producers and property owners on what types of signs the Village would prefer to see in order to preserve the small town charm of the community.

50 (b) Signs are one of the most prominent visual elements of a street. Well-designed signs add interest and variety to building facades

and help to attract customers. In general, the sign is the best representation of the business to the passing pedestrian or motorist. The design guidelines shall be used as an important part of sign review and approval.

59 (c) Before starting to design a sign, take a careful look at the building. Is there an obvious space on the building where the sign would look appropriate without covering architectural details? Some of the Village's older buildings were designed with a horizontal "sign space" stretching across the top of the storefront which should be used. If this "sign space" does not exist perhaps, there is adequate wall area for a wall sign with appropriate space for a projecting sign.

71 (d) Take a look at neighboring buildings. Is there a predominant type of sign or a size precedent? In designing a sign, it is important to have an understanding not only of the building but also of the compatibility within the neighborhood. The basis for decisions on sign type, size and location should come from architectural concerns. The specific definitions and regulations governing the various types of signs in this section should be studied before actual design begins.

83 (e) To achieve the objective of these guidelines for sign details include the following:

(1) Simplicity.
An effectively designed sign with bold, easily recognized symbols and clear crisp lettering will identify a business or activity efficiently and attractively, enhance the area in which it is located and complement the general appearance of the street and Village.

(2) Color.
Restraint should be exercised when selecting colors. On most signs, no more than three colors should be used: one for background, a contrasting color for lettering, and a third for perhaps emphasis (such as for borders, motifs, or shading of letters to give it a three-dimensional look). Colors should be chosen which complement each other as well as the general tone of the building.

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SEC. 66.0710 BUSINESS DISTRICT SIGNAGE WITH PERMIT

SEC. 66.0710 BUSINESS DISTRICT SIGNAGE WITH PERMIT

- (3) Messages.
Messages should be simple for rapid comprehension by the public. Pictures, symbols, and logos can add individuality and character to signs, in addition to making them easier to read.
- (4) Materials.
Sign materials shall be compatible with the surrounding area. Sign materials shall be consistent with or at least complement the original construction materials and architectural style of the building façade on which they are to be displayed.
- (5) Lettering.
Lettering styles should complement the style and period of the building on which they appear. Traditional block and curvilinear styles, which are easy to read, are preferred. Generally, different type styles should not be used on the same sign to avoid a cluttered appearance.

Sec. 66.0710 Business District Signage with Permit

- (a) In General.
Signs are permitted in all business districts subject to the requirements in this Chapter.
- (b) Determination of allowable signage.
The area of each building's signage shall be the lineal feet of the front of the building multiplied by the story factor below. A basement shall not count as a story. See Section 66.0753(g) on the manner to determine the linear front footage. No single projecting or ground sign may exceed 24 square feet in area per side.

The following table shall be used to calculate the area of allowable signage. Measure the width of the building and use the proper multiplier for the building width range to determine the allowable square feet of signage permitted.

| Building Width Range in Feet | Multiplier | | |
|------------------------------|------------|-----------|-------------|
| | One Story | Two Story | Three Story |
| 0 | 0.750 | 0.830 | 0.900 |
| 5 | 0.750 | 0.830 | 0.900 |
| 10 | 0.750 | 0.830 | 0.900 |

| 15 | 0.750 | 0.830 | 0.900 |
|------------------------------|------------|-----------|-------------|
| Building Width Range in Feet | Multiplier | | |
| | One Story | Two Story | Three Story |
| 20 | .750 | .830 | .900 |
| 25 | .750 | .830 | .900 |
| 30 | .750 | .830 | .900 |
| 35 | 0.721 | 0.798 | 0.865 |
| 40 | 0.711 | 0.787 | 0.853 |
| 45 | 0.701 | 0.776 | 0.842 |
| 50 | 0.692 | 0.765 | 0.830 |
| 55 | 0.682 | 0.754 | 0.818 |
| 60 | 0.672 | 0.743 | 0.807 |
| 65 | 0.663 | 0.733 | 0.795 |
| 70 | 0.653 | 0.722 | 0.783 |
| 75 | 0.643 | 0.711 | 0.772 |
| 80 | 0.633 | 0.700 | 0.760 |
| 85 | 0.624 | 0.689 | 0.748 |
| 90 | 0.614 | 0.678 | 0.737 |
| 95 | 0.604 | 0.668 | 0.725 |
| 100 | 0.594 | 0.657 | 0.713 |
| 105 | 0.585 | 0.646 | 0.702 |
| 110 | 0.575 | 0.635 | 0.690 |
| 115 | 0.565 | 0.624 | 0.678 |
| 120 | 0.556 | 0.613 | 0.667 |
| 125 | 0.546 | 0.602 | 0.655 |
| 130 | 0.536 | 0.592 | 0.643 |
| 135 | 0.526 | 0.581 | 0.632 |
| 140 | 0.517 | 0.570 | 0.620 |
| 145 | 0.507 | 0.559 | 0.608 |
| 150 | 0.497 | 0.548 | 0.597 |
| 155 | 0.488 | 0.537 | 0.585 |
| 160 | 0.478 | 0.527 | 0.573 |
| 165 | 0.468 | 0.516 | 0.562 |
| 170 | 0.458 | 0.505 | 0.550 |
| 175 | 0.449 | 0.494 | 0.538 |
| 180 | 0.439 | 0.483 | 0.527 |
| 185 | 0.429 | 0.472 | 0.515 |
| 190 | 0.419 | 0.462 | 0.503 |
| 195 | 0.410 | 0.451 | 0.492 |
| 200 | 0.400 | 0.440 | 0.480 |
| Over 200 | 0.390 | 0.429 | 0.468 |

- (c) Window Signs.
All businesses are allowed window signs, which may be placed only on the inside of

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0711 COMMERCIAL CENTER SIGNAGE WITH PERMIT

SEC. 66.0711 COMMERCIAL CENTER SIGNAGE WITH PERMIT

buildings and shall not exceed 25 percent of the glass area of the windows fronting on a public street.. Window signs as specified above shall not require a permit.

(d) Awning Signage.

All businesses are allowed signage on awnings subject to permit. Awning signage may include logos, business names, symbols and wording placed only on the flap. Awning/canopy covering pedestrian or vehicle access areas signs shall provide no less than eight feet vertical clearance between the bottom of the sign and the ground, (finished surface), directly beneath the awning/canopy. Signage on awnings shall not count towards total signage.

(e) Signage at the Entrance of Tenant Spaces.

One sign placed at the entrance of the space for each separate tenant space in multi-tenant buildings may be placed on the building and each directory sign shall not exceed two square feet per side. In lieu of one entrance directory sign for each separate tenant space, a single wall sign may be permitted. The area of the wall sign shall be no larger than the cumulative amount of the permitted separate entrance directory signs. The in lieu of sign shall be in addition to the sign areas allowed in (b) above and shall conform to all of the requirements of this section.

(f) Certain Sandwich Board Signs.

See Section 66.0713.

(g) Permitted Types of Signs.

A business may divide the total permitted signage into any combination of the four types listed below, not to exceed the total permitted area limits set forth in (b) above.

(1) Wall signs placed flat against the exterior walls of a building shall not extend above the roofline. Wall signs shall not extend beyond the ends of the wall to which they are attached.

(2) Projecting signs fastened to, suspended from or supported by structures, shall not extend more than six feet into the required yard area, shall not extend into any public right-of-way, shall not extend over any driveway and, shall be at least ten feet from all side lot lines. The projecting sign shall not be located at a point higher than 75% of the

wall measured from the top of the foundation where it is located.

(3) Ground signs shall not exceed eight feet in height. Ground signs shall be located at least ten feet from any street right-of-way and at least ten feet away from any side or rear lot line except as specified in (a) below. Ground signs shall comply with the traffic visibility requirements set forth in section 66.0401 [See page 81]. All ground signs shall include landscaping at the base of the sign.

a. In the B-3 Downtown Business District ground signs may be located no closer than ten feet from the face of the curb, if the existing building and/or terrain is not suitable for the setback as specified above.

b. All parcels shall be limited to one ground sign, regardless of the number of businesses, buildings on the site or the number of street frontages abutting the property.

(4) Vending machines. Only vending machines without internal illumination are permitted in all business districts.

Sec. 66.0711 Commercial Center Signage with Permit

A commercial center is defined as a multi-tenant, multi-building commercial and retail development under common ownership or management and located in the B-1 zoning district. The shopping center may be permitted the following signage in addition to the approved building signage as specified in Section 66.0710.

(a) Signs used for Commercial Centers shall be allowed as follows:

(1) Two (2) marque ground signs may be provided. Two (2) marque ground signs may be permitted along the State Highway abutting a commercial center.

(2) The marque signs shall not exceed 72 square feet per side in total area and not exceed 12 feet in height. The location shall be approved by the Plan Commission prior to the issuance of a sign permit.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0712 OFF-PREMISE SIGNAGE WITH PERMIT

SEC. 66.0720 ON-PREMISE SIGNS WITHOUT PERMIT

(b) Business or Tenant Signage.
Signage specified in Section 66.0710(g)(1) and (2) may be provided for each individual tenant business in a commercial center. In a multi-tenant building, each business shall be permitted signage up to twelve (12) square feet per side. In a single tenant building the business shall be permitted signage up to sixteen (16) square feet per side on the interior of the shopping center

(c) Additional On Premise Signage
One additional ground sign on the shopping center property may be permitted subject to the following restrictions:
(1) The maximum size of the sign shall not exceed 36 square feet per side.
(2) The location shall be approved by the Plan Commission prior to the issuance of a Sign Permit. (Amended Ordinance 193-050312)

Sec. 66.0712 Off-Premise Signage with Permit

This section shall only apply to businesses not located on a State highway. Off-premise directional signs shall only be allowed for entities located within the Village limits. All off-premise signs shall require a sign permit and shall be restricted to the following uses:

- (a) Off-premise directional signs on Highway 42 or 57.
(1) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
(2) Off-premise signs on either state highway require a permit.
(3) The basis of approval shall be as follows:
a. Plan Commission shall approve of sign locations.
b. There shall be only one sign on the highway for each entity requesting such signage

Sec. 66.0713 Sandwich Board Signage with Permit

Sandwich board signs are permitted subject to the following conditions:

- (a) Entities may use sandwich board signs on their property in front of their properties in the B-1, B-2, B-3, I-1 and P-1 districts as

permitted provided that the sandwich board signs will not be located on any sidewalk or bikeway if one is present or in any public right-of-way.

- (b) Sandwich board sign impact on total permitted signage.

(1) A sandwich board where the messages and content change on a weekly basis shall not count towards the total signage allowed under Section 77.0710..

(2) A sandwich board where the wording or image is unchanging shall count towards the total signage allowed under Section 77.0710. Any sandwich board permitted under this subsection shall also comply with (c)—(g) below.

- (c) The sandwich board sign must be located in front of the property, and will not cause a hazard to traffic or adjoining properties. These signs shall require a permit and shall not exceed six (6) square feet in area on one side or 12 square feet on all sides..

- (d) The sandwich board sign must be removed from its display location whenever the permit holder is not open to the public. Festivals, non-profits, organizations and businesses under contract with the Village may use sandwich board signs on Village owned property or other property in any district as permitted provided that the sandwich board signs will not be located on any sidewalk or bikeway if one is present or in any public right-of-way.

- (e) The Plan Commission shall establish a Sandwich Board Design, Guide which will reflect various preferred designs and colors. The Guide shall be updated periodically.

- (f) After May 1, 2011, the cost for a temporary sandwich board sign permit shall be \$20.00 except for existing sandwich board permit holders.

Sec. 66.0720 On-Premise Signs without Permit

Except as prohibited in section 66.0770 of this chapter, the following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- (a) Temporary Signs.
These signs are not to exceed six square feet in area on one side and 12 square feet in area on all sides. These signs shall be located no closer than ten feet to any street

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0722 OTHER ON/OFF-PREMISE SIGNS WITH PERMIT

right-of-way, nor closer than ten feet to a side or rear lot line. Temporary signs shall be displayed for no longer than 30 days, and shall be permitted no more than 6 times per year.

(a)(1) Construction Area Signage

Temporary signs on a property during a period of construction may be placed on a construction site without a permit, provided that there shall be no more than one such sign located on the premises; no sign shall exceed 18 square feet in area on one side or 36 square feet on all sides; and the sign shall be removed within 72 hours following the issuance of an occupancy permit. Temporary signs issued as part of a development agreement shall be removed as specified in that agreement.

(b) Bulletin boards.

Bulletin boards are not to exceed four square feet in area on one side located on the building.

(c) Signs Cut Into Buildings.

Signs and tablets when cut into any masonry surface or when constructed of metal and affixed flat against a structure will count towards total allowable signage, and be reviewed by the Plan Commission as an Architectural Feature and approved or denied based on total allowable signage.

Official signs.

Official signs, such as traffic control, parking restrictions, Village welcome signs and related entrance signs, and public notices when approved by the Zoning Administrator.

(d) Illuminated Signs.

(e) When fluorescent tubes are used for the interior illumination of a sign, such illumination shall not exceed: two square feet.

(f) Lot signs.

On-premise signs located at the entrance and exit of a driveway or street shall not exceed two square feet.

(g) Parking signs.

Signs in the parking lot shall be mounted no less than four feet from the ground and shall not exceed 24 inches high by 30 inches wide.

(h) Flags.

Property owners shall be permitted up to three flags of no more than 15 square feet each.

(i) Signs on external walls.

One sign on an external wall is allowed per commercially zoned unit. The maximum allowable size for such sign is four square feet. If it is over four square feet in size the sign's area shall be included in the total signage calculation. All signs must be mounted on the building. Erasable blackboards or glass-enclosed cases are acceptable.

Sec. 66.0721 On/Off-Premise Signs without Permit

(a) Temporary signs- Designated Events.

During the 30 day period leading up to a designated festival or event (including the day/days of the event) by the Village Parks Committee a property owner may be allowed:

- (1) Only one additional sign per lot.
- (2) The sign shall be set back a minimum of 10 feet from all lot lines.
- (3) The sign area shall not exceed 24 square feet.
- (4) The sign shall not exceed six feet in height.

(b) Temporary Signs- Other Events.

The temporary use of banners, balloons, streamers, pennants, and other similar signage in any district may be allowed provided that the media will not be located on any sidewalk or bikeway if one is present or in any public right-of-way. The signs cannot be erected more than 14 days before the event and must be removed within 2 days after the event. The property owner must grant permission in writing for the placement of the sign/media. The sign/media, will not be located closer than ten feet to an adjacent property; driveway, and will not cause a hazard to traffic or adjoining properties. These sign/media shall not require a permit and shall not exceed 24 square feet in area on one side or 48 square feet on all sides.

(c) Failure to Comply with Standards.

Any entity utilizing (a) or (b) above that fails to follow the standards shall be notified in writing that all future seasonal, special event and fund raising signage shall require a regular sign permit and shall be issued a fine in the amount of \$50.00 at the discretion of the Village Administrator.

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SEC. 66.0722 OTHER ON/OFF-PREMISE SIGNS WITH PERMIT

SEC. 66.0750 SIGN PERMIT

Sec. 66.0722 Other On/Off-Premise Signs with Permit

- (a) Reserved.
- (b) Changeable copy signs. Changeable copy signs, fixed or moveable, may be permitted If approved by the Plan Commission. Price signs will be considered permitted additional signage.

Sec. 66.0730 Residential Districts Signage with Permit

The following signs are permitted in any residential district and are subject to the following regulations:

- (a) Signs. Signs authorized on a property are not to exceed six feet in height and 24 square feet in area on one side and 48 square feet in area on all sides, placed at the entrance to a subdivision or development. The sign shall be located no closer than ten feet to any street right-of-way, nor closer than ten feet to any side or rear lot line.
- (b) Temporary signs. Temporary signs for the purpose of designing a new building or development may be permitted for a limited period of time provided that the sign shall not exceed 18 square feet in area on one side and 36 square feet in area on all sides and shall be located not closer than ten feet from any street right-of-way, nor closer than ten feet to any side or rear lot line. The Developer may use such signage to market the development provided that the sign shall not be in place for more than 60 days of the issuance of an occupancy permit. Projects covered by a development agreement may specify the date for the removal of the sign.
- (c) Other signs. Signs over show windows or doors or a non-conforming business establishment not to exceed eight square feet in area.

Sec. 66.0731 Countryside District Signage with Permit

The following on-premise signs are permitted in the CS-1 district:

- (a) All signs permitted in the residential districts.
- (b) On-premise signs which do not exceed 24 square feet in area. There shall be no more than one such sign for each highway upon which the property faces. If attached to the building, such signs shall be no higher than

the roofline. If located on the ground, such signs shall not be higher than eight feet above the ground.

- (c) Ground signs which do not exceed 24 square feet in area on one side or 48 square feet on all sides.

Sec. 66.0732 Institutional and Park Districts Signage with Permit

The following signs are permitted in the Institutional and Park districts and are subject to the following regulation:

- (a) Private and public institutional when approved by the Plan Commission.
- (b) Signs on publicly owned land shall meet the following criteria:
 - (1) Such signs shall be securely fastened, constructed and continuously maintained in such a manner as to prevent damage from the natural elements.
 - (2) Such signs shall be located in such a manner to minimize visual impacts to areas located outside of the park facilities.
 - (3) Such signs shall be permitted for the sole purpose of generating funds for Village authorized programs and facilities. In all cases, the overall aesthetics of the park and the surrounding area shall be significant consideration in the placement and design of the signs.
 - (4) An agreement between the Village and the sign sponsor shall be executed specifying annual fees and a maintenance schedule.
 - (5) Such signs shall be permitted subject to Plan Commission discretion.

Sec. 66.0750 Sign Permit

Application for a sign permit shall be made on forms provided by the Zoning Administrator and shall contain or have attached thereto at least the following information:

- (a) Name, address and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- (b) Name of person, firm, corporation, or association erecting the sign.
- (c) In cases where more than one business occupies a single building, the assignment of on-building sign area to the various businesses shall be at the discretion of the

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SEC. 66.0751 CONSTRUCTION STANDARDS

SEC. 66.0752 COLOR AND LIGHTING

property owner. This allocation shall be specified in the Sign Application.

(d) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.

(e) A scale drawing of such sign indicating the dimensions, the materials to be used, the colors on the sign, the type of illumination, if any, and the method of construction and attachment. The drawing shall be drawn at a scale no smaller than one-eighth inch equals one foot and shall be prepared, signed and sealed by a registered professional engineer when required by the Zoning Administrator.

(f) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures. The drawing shall be at a scale no smaller than one inch equals 50 feet.

(g) Copies of any other permits required.

(h) Signs requiring state approval shall provide a copy of such approval with the sign permit application.

(i) Additional information may be required by the Zoning Administrator or Plan Commission.

(j) Sign permit applications shall be filed with the Zoning Administrator who may approve or deny the application, in writing, within 20 working days after submittal. A sign permit shall become invalid, if work authorized under the permit has not been completed within six months of the date of issuance.

(k) At the time of the filing of the application for a permit, the applicant shall furnish to the Zoning Administrator the fee for the permit in accordance with the current fee schedule set by the Village Board.

(l) Waiver of some requirements. The Zoning Administrator may waive the requirements for certain plans, specification, data, or drawings when the application is to execute minor alterations or repairs to a sign, provided that the proposed construction, alteration, or repair is sufficiently described in the application for the permit.

(m) The sign permit fee shall be established annually by the Village.

Sec. 66.0751 Construction Standards

(a) Sign Materials.
Signs should be constructed predominantly of natural materials, such as rough cedar, pine or other types of wood. Stained glass

may also be used. Manufactured materials that give the appearance of natural materials are also permitted. Signs with relief are encouraged. Supporting members or braces of all signs shall be constructed of approved materials.

(b) Covering Architectural Details.

Signs shall not cover architectural details such as, but not limited to arches, sills, moldings, cornices and transom windows. It may be required that existing signboards or sign bands be used for placement of signs.

(c) Construction Standards.

The applicant shall be responsible for obtaining the necessary permits to comply with Village and State building, electric and WisDOT codes.

(d) Protection of the public.

The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off or otherwise isolated. The Zoning Administrator shall be notified at least 24 hours in advance of such proposed obstruction.

(e) Sign Location Affecting Egress

No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department, as necessity may require.

Sec. 66.0752 Color and Lighting

(a) Colors that are of the Neon or Fluorescent families may not be used as they do not promote the historic preservation of the Village.

(b) Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs may be illuminated, but non-flashing.

(c) Signs in residential districts shall not be illuminated.

(d) No sign shall be illuminated except as follows:

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SEC. 66.0753 MEASURING SIGNS

SEC. 66.0754 MAINTENANCE OF SIGNS

- (1) Natural illumination or background illumination from street lighting or parking lot lighting.
- (2) Shielded spotlights designed to focus the light only on the sign.
- (3) The maximum permitted illumination on the face shall not exceed five foot-candles.
- (e) Searchlights may not be used in the Village without a permit. The Plan Commission may permit the temporary use of a searchlight for advertising purposes in business districts, provided that the searchlight will not be located in any public right-of-way, will not be located closer than twenty feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five days in any six-month period. If, however, representatives of federal, state or local government agencies wish to operate a searchlight in the Village for official business, no permit will be required.

Sec. 66.0753 Measuring Signs

- (a) Area of Sign.
Measurement of sign area shall be calculated as the sum of the area within the smallest regular rectangle that will encompass all elements of the actual sign face, including any writing, logos, representations, emblems, or any figures or similar characters, together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed.
- (b) Wall Sign.
For a sign painted on or applied to a building or to a freestanding wall, the area shall be considered to include all lettering, wording, and accompanying designs or symbols, together with any background of a different color than the natural color, or finish material of the building or architectural wall. The architectural wall shall be subject to Plan Commission approval of the site and landscaping plan. The main supporting sign structure (i.e., brackets, posts, foundation, etc.) shall not be included in the area measurement.
- (c) Letter Signs.
The gross surface area of a skeleton letter wall sign consisting of individual letters and/or symbols shall be determined by calculating the horizontal length of the

combined areas of the smallest rectangles, which encompass each word, letter, figure and emblem on the sign by the vertical height of the outside dimensions of the whole sign.

(d) Two-sided Sign.

When a sign has two or more faces, the area of all faces shall be included in determining the area, except that where two faces are placed back to back and the angle between the faces measures 45 degrees or less, the total sign area shall be computed by measuring the square footage of a single face. When the angle between sign faces measures greater than 45 degrees, the total sign area shall be computed by adding the square footage of each face.

(e) Sign height.

Maximum or minimum sign height shall be measured from the ground surface adjacent to the center of the bottom of the structure supporting the sign to the top of the sign surface being regulated.

(f) Length of Lineal Building Front Foot.

The length of the front wall of the building adjacent and parallel or closely parallel to any abutting street or public right-of-way. If the building is located on a corner lot then the side of the building used for addressing purposes shall be deemed the front of the building. If the front of the building is uneven then that portion of the building that is adjacent and parallel to the abutting street that is within 25 feet of the primary front wall shall be included in the total length of the lineal building front foot.

Sec. 66.0754 Maintenance of Signs

(a) Maintenance and repair.

Every sign, including, but not limited to those signs for which permits are required, shall be maintained in safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning, and other acts required for the maintenance of such sign.

(b) Compliance standards.

The Zoning Administrator shall require compliance with all standards of this section. If the sign is not modified to comply with the standards outlined in this section, the Zoning Administrator shall require its removal in accordance with subsection (d) of this section.

(c) Abandoned signs.

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SEC. 66.0770 PROHIBITED SIGNS

SEC. 66.0770 PROHIBITED SIGNS

All signs or messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertises is no longer conducted or, for an off-premise sign, when the lease payment and rental income are no longer provided, unless there is evidence that the owner or agent is marketing the property for sale or lease. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 30 days written notice to remove such sign. Upon failure of the owner or lessee to comply with this notice, the Village may cause the sign to be removed and all costs of such removal shall be collected as a special assessment on the next succeeding tax roll.

(d) Deteriorated or dilapidated signs.

The Zoning Administrator shall give the owner or lessee of any premises on which a deteriorated or dilapidated sign is located, 60 days written notice to repair any deteriorated or dilapidated signs and remove such condition, without enlarging or structurally altering such signs.

(1) If it is determined that such deteriorated or dilapidated signs cannot be repaired without structurally altering or changing the sign, then the owner or lessee of such sign shall obtain a permit from the Zoning Administrator for such changes or alterations.

(2) Upon failure of the owner or lessee to comply with the notice set forth in subsection (c) of this section, or in the event of the failure of the owner or lessee to obtain a permit as set forth in section 66.0750, [See page 111] the Village may cause the sign to be removed and all costs of such removal shall be collected as a special assessment on the next succeeding tax roll.

Sec. 66.0770 Prohibited Signs

The following signs are prohibited in all districts:

(a) Abandoned signs.
Any sign advertising or identifying a business or organization, which is either defunct or no longer located on the premises. Exceptions are granted to landmark signs, which may be preserved and maintained even if they no longer pertain to the present use of the premises.

(b) Flashing, alternating, rotating or swinging signs or devices, whether illuminated or not, visible from the right-of-way.

(c) Floodlighted or reflection illuminated signs of which the light source is positioned so that its light sources is visible from a public right-of-way by the vehicular traffic or which the light source is visible from adjoining property.

(d) Internally illuminated signs, neon and back lighted signs other than OPEN signs.

(e) Flashing signs, signs with an intermittent or flashing light source, signs containing moving parts, and signs containing reflective elements, which sparkle or twinkle in the sunlight.

(f) Electronic message centers, variable message signs that utilize computer generated messages or some other electronic means of changing copy, including displays using incandescent lamps, LED's, LCD's or a flipper matrix.

(g) Unclassified signs:

(1) That is a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property.

(2) No sign shall resemble, imitate or approximate the shape, size, form or color of a traffic sign, signal or device.

(3) No sign shall be located to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at the access point of any intersection.

(4) No sign shall be erected, relocated or maintained to prevent free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe, fire escape or utility pole.

(5) No sign shall contain, include or be illuminated by flashing light or by any light directed toward a neighboring residence, roads or highways.

(6) No sign shall contain, include or be composed of any conspicuous animated part.

(7) No sign shall be painted on rocks.

(h) Inflatable advertising devices or signs.

(i) Murals shall be a conditional use and shall be reviewed and approved by the Plan Commission for location, size and material only without regard to artistic content and

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SEC. 66.0780 LEGAL NON-CONFORMING SIGNS

SEC. 66.0791 COMPLIANCE

shall be limited to no more than 24 square feet.

(j) Billboard signs larger than the maximum permitted square footage per face.

(k) Signs taller than eight feet in height.

(l) A "V" sign shall be prohibited unless the backs of both signs display no letters or symbols and are landscaped to screen their backsides.

(m) Reflective lights.

(n) Mobile signs unless permitted as a temporary use.

(o) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered in the Wetland W-1 district.

Sec. 66.0780 Legal Non-conforming Signs

(a) Notification of non-conformance.

Upon determination that a sign is non-conforming, the sign administrator shall use reasonable efforts to so notify, in writing, the user or owner of the property on which the sign is located of the following:

- (1) The sign's non-conformity.
- (2) Whether the sign is eligible for characterization as a legal non-conforming sign or is unlawful.

(b) Signs eligible for characterization as legal non-conforming.

Any sign located within the Village limits or located in an area annexed to the Village hereafter, which does not conform to the provisions of this chapter, is eligible for characterization as a legal non-conforming sign and is permitted, providing it also meets the following requirements:

- (1) The sign was covered by a sign permit prior to the date of adoption of the prior zoning ordinance, this ordinance or amendment.
- (2) If no permit was required by the Village at the time, the sign was erected, and the sign was not changed or altered after the effective date of this ordinance or a prior zoning ordinance in a manner that under this chapter would have caused a loss of non-conforming status.
- (3) An existing sign located closer than ten feet to the street right-of-way in the B-3 district shall not be deemed non-conforming solely on that basis.

(c) Loss of legal non-conforming status.

A sign loses its legal non-conforming status when any one of the following occurs:

- (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this section then it was before alteration.
- (2) The sign is damaged to such an extent that the cost to repair or reconstruct such sign exceeds 50 percent of the assessed value of the sign.
- (3) The design, logo or wording of the sign is altered.
- (4) The replacement of a non-conforming sign with an identical sign may be allowed, subject to obtaining a permit. The new sign must utilize permitted materials.

(d) Legal non-conforming sign maintenance and repair.

Nothing in this section shall relieve the owner or user of a legal non-conforming sign, or the owner of the property in which the sign is located, from the provisions of this section regarding safety, maintenance and repair of the sign. All work, including repainting, requires a permit.

Sec. 66.0790 Historic Signs

- (a) Signs of historic significance which make a contribution to the cultural, or historic quality of the Village because of their unique construction materials or unique design, unusual age, prominent location within the Village, or unique craftsmanship from another period of time may be exempted from any or all size, height, animation, lighting, or setback requirements of the section, when the Plan Commission finds the following conditions exist:

- (1) The sign is of exemplary technology, craftsmanship, or design of the period in which it was constructed; uses historic sign materials (wood, metal, or paint applied directly to a building) and means of illumination (neon or incandescent fixtures); and is not significantly altered from its historic period. If the sign has been altered, it must be restored to its historic function and appearance.
- (2) The sign is integrated into the architecture of a period building.
- (3) A sign not meeting the criteria listed above may be considered if it demonstrates extraordinary aesthetic quality, creativity or innovation in design.

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- 1 (b) Historic signs are exempt from the re-
2 quirements of section 66.0780 "Legal Non-
3 conforming Signs." [See page 115]

4 **Sec. 66.0791 Compliance**

5 Except as otherwise authorized, no sign visible
6 from a state or county road, from any Village
7 street, from a private street, from a public parking
8 lot, from a private parking lot, from the water or
9 from any adjacent property shall be located,
10 erected, moved, repainted with different colors,
11 reconstructed, extended, enlarged or structurally
12 altered, including the placement of various com-
13 ponents of the sign, until a permit has been re-
14 viewed and approved by the Plan Commission or
15 designated representative and a permit has been
16 issued to the property owner or building occupant
17 by the Zoning Administrator. Signs located on a
18 property or location with multiple buildings or
19 businesses under common or separate ownership
20 shall not be exempt from the requirements of this
21 Code. Additions to and alterations of existing
22 signs and support structures require a new permit.

23 Note: This entire section was revised by Ordi-
24 nance 185-041211.

25

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0801 COMPLIANCE

SEC. 66.0806 RADIOACTIVITY AND ELECTRICAL DISTURBANCES

SECTION 800 - PERFORMANCE STANDARDS

Sec. 66.0801 Compliance

This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. All structures, land, air and waters shall, hereafter, in addition to their use and site regulations, comply with the following performance standards.

Sec. 66.0802 Air Pollution

No person or activity shall emit any fly ash, dust, particulate matter, fumes, vapors, mists or gases in such quantities that would constitute a nuisance to surrounding property owners. Dust and other types of pollution borne by the wind from such sources as storage areas, yards and roads within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, fencing or other acceptable means. The release of materials intrinsically odorous or capable of being odorous, by either bacterial decomposition or chemical reaction, which renders it perceptible from beyond the lot, shall be prohibited.

Sec. 66.0803 Fire and Explosive Hazards

- (a) All activities involving the utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry and approved by the Sister Bay Liberty Grove Fire Chief or designee.
- (b) All materials that range from active to intense burning shall be utilized, processed or stored only within completely enclosed buildings, which have incombustible exterior walls and an automatic fire extinguishing systems as required by Section §14.61. Storage of flammable and explosive material, except as prohibited by subsection (c), shall be in accordance with the requirement of chapter COMM. 10 of the Wisconsin Administrative Code and the requirements of chapter NFPA 30 of the National Fire Protection Association.
- (c) Notwithstanding the requirements of subsection (b) the storage or sale of fireworks as regulated by Wisconsin State Statutes Section §167.10 shall not be permitted in

the B-1, B-2 or B-3 zoning districts except as listed below:

- (d) An agent of the Village of Sister Bay with the appropriate Village issued permit for a fireworks display done in conjunction with a Village festival or Village event may store fireworks for not more than 96 hours consistent with the storage requirements in §167.10.

Sec. 66.0804 Heat

No activity shall emit heat that is measurable outside its premises except activities, which may emit direct or sky reflected heat, which shall not be felt outside their district. All operations producing intense heat shall be conducted within a completely enclosed building.

Sec. 66.0805 Water Quality Protection

- (a) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (b) In addition, no activity shall withdraw water or discharge any liquid or solid materials to exceed, or contribute toward the exceeding of, the minimum standards set forth in chapter NR 102 of the Wisconsin Administrative Code. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, welfare or cause injury or damage to any property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid material except in accordance with the regulations of the state department of natural resources.

Sec. 66.0806 Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that affect the use of neighboring premises.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0807 VIBRATION

SEC. 66.0809 OUTDOOR LIGHTING

Sec. 66.0807 Vibration

No activity in any district shall emit vibrations, which are discernible by the Zoning Administrator without instruments outside its premises. Any construction or utility installation activity that requires blasting of rock shall require a notification plan for neighboring properties and the issuance of a permit by the Zoning Administrator.

Sec. 66.0808 Noise

Any activity or operation of any use producing noise, other than ordinary vehicular noise, shall be conducted so that no noise from the activity or operation shall exceed the following limits at the lot line on which the noise is emanating for a duration of thirty (30) seconds or longer: All districts except (P-1), variable noises at or above 85 decibels.

Sec. 66.0809 Outdoor Lighting

(a) Purpose. Purpose and intent:

This section regulates all outdoor lighting installed on residential, business and institutional sites, both publicly and privately owned within the Village, with the exception of outdoor lighting on public streets, public bikeways and public walkways. The purpose of this section is to create standards for outdoor lighting that do not interfere with the reasonable use of residential, business and institutional sites, that prevent light trespass and conserve energy yet maintain night time safety. If outdoor lighting is installed, it shall be in conformance with the provisions of this section of the Municipal Code, the building code and all other codes and regulations as applicable and under appropriate permit and inspection.

(b) General requirements:

(1) All outdoor lighting fixtures installed November 13, 2004 and thereafter maintained upon private or public residential, business, and institutional property shall comply with the following:

a. The maximum allowable light trespass shall be 0.5 horizontal foot-candles four feet above ground. The point of measurement of this offending light shall be at the property line for residential, commercial, institutional or public use. The measurement shall not include any ambient natural light.

b. Light sources shall be shielded or installed so that there is not a direct line of sight between the light source and its reflection and at a point five feet or higher above the ground of adjacent property and public streets. The light source shall not be of such intensity to cause discomfort or annoyance.

c. Any outdoor lighting fixture installed on a parking lot shall use metal halide lamps.

d. The lighting system shall be extinguished or reduced to fifty percent no later than thirty minutes after the close of business for the day. The fifty percent reduction shall be applied to the entire lot or structure.

e. All lamp types utilized for search lighting shall not be allowed. Outdoor lighting fixtures used to illuminate sports fields and tennis courts shall be reduced by 50% past 10:00 PM.

f. Flashing, flickering, and other distracting lighting, which may distract motorists is prohibited.

g. Light fixtures shall not be permitted within required buffer yards.

(2) All outdoor fixtures installed prior to November 13, 2004 shall be exempt from this section except as follows:

a. If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to affect fifty percent or more of the total number of fixtures, then all fixtures shall comply with the provisions of this section.

b. All outdoor lighting fixtures installed on R-2 residential projects or sites shall conform to subsection (c)(3) herein.

(3) All outdoor lighting fixtures shall be maintained according to materials

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0809 OUTDOOR LIGHTING

SEC. 66.0809 OUTDOOR LIGHTING

- initially submitted to the Plan Commission.
- (4) Trees and shrubbery shall not be located where they significantly reduce or block parking lot or roadway lighting.
- (5) Outdoor lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and tennis courts, parking lots, parking structures, garages, landscape areas, product display areas, building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.

(c) Specific design requirements

- (1) A lighting system for parking facilities and outdoor merchandising areas in commercial, institutional, agricultural, and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:
- Open Parking Facilities. The illumination requirements of an open parking facility depend on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium and Low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:
 - High Activity Facilities: for athletic events or major cultural or civic events.
 - Medium Activity: shopping centers, retail parking areas, hospital and clinic parking, cultural civic or recreational events and fast food facilities.
 - Low Activity: employee parking, educational facility, office buildings and church parking.

49 Horizontal Illumination for Parking Facilities

50 Open Parking Facilities

| General Parking & Pedestrian Area | | | | Vehicle Use Area (Driveway) | | | |
|-----------------------------------|---------------------------------------|-------------------------------------|--------------------------------------|-------------------------------------|--------------------------------|------------------------------------|--------------------------------------|
| Level of Activity | Minimum Foot-candle* (FC) on pavement | Maximum Average F-C only (Ave.-Min) | Maximum Uniformity Ratio* (Ave.-Min) | Maximum Watts/Sq. Foot Light Load** | Min. Foot-candles* on pavement | Max. Ave. Foot-candles on pavement | Maximum Uniformity Ratio* (Ave.-Min) |
| High | 0.6fc | 3.75fc | 5:1 | 0.12 | .67fc | 2.5fc | 5:1 |
| Med | 0.4fc | 2.5fc | 5:1 | 0.1 | .33fc | 1.5fc | 5:1 |
| Low | 0.2fc | 1.5fc | 5:1 | 0.08 | .125fc | 1.0fc | 5:1 |

51 Covered Parking Facilities

| Areas | Minimum Foot-candles Average on Pavement | Minimum Foot-candles on Pavement | Maximum Average Foot-candles on Pavement | Maximum Uniformity Ratio (Ave.-Min.) | Maximum Watts/Sq. Ft. Light Load |
|-------------------------------------|--|----------------------------------|--|--------------------------------------|----------------------------------|
| General Parking and Pedestrian Area | 5fc | 1.25fc | 9fc | 4:1 | 0.2 |
| Private Controlled Entry Parking | 3fc | .75fc | 6fc | 4:1 | 0.2 |

*Not mandatory within four feet of the pavement edge

**Not mandatory for driveways

Watts shall mean lamp wattage and ballast consumption

- An outdoor lighting system for illuminating buildings and structures shall have a maximum connected lighting load of five watts per lineal foot. Watts shall mean lamp wattage and ballast consumption.
- An R-2 residential site shall be lighted to provide at least .25 foot-candle on any surface in the lot with an average illumination level of at least .75 foot-candles.
- Outdoor light fixtures shall be designed and installed to minimize light trespass. The uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1.
- For an outdoor merchandising area, the maximum level in 75% of the lot shall not exceed 20 foot-candles. A contiguous area not to exceed 25% of the lot may be illuminated

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SEC. 66.0809 OUTDOOR LIGHTING

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- 1 to a level, which shall not exceed
2 40 foot-candles.
- 3 (6) The maximum illumination level
4 under an outdoor canopy shall not
5 exceed 20 foot-candles at any point.
- 6 (7) Lighting systems that project light
7 upwards such as architectural and
8 sign lighting shall be designed to
9 minimize the amount of light that
10 does not illuminate the target area.

11 (d) Approval procedures.

12 Any person desiring to install outdoor light-
13 ing fixtures shall submit to the Zoning Ad-
14 ministrator and Village Engineer for review
15 the following material:

- 16 (1) A catalog page, cut sheet or photo-
17 graph of the lighting fixtures, includ-
18 ing the mounting method.
- 19 (2) A photometric data test report of the
20 proposed lighting fixture graphically
21 showing the lighting distribution in
22 all angles vertically and horizontally
23 around the fixture.
- 24 (3) A plot plan showing the location of
25 all outdoor lighting fixtures pro-
26 posed, the mounting or installation
27 height, the overall illumination lev-
28 els and uniformities and the point
29 where 0.5 horizontal foot-candles
30 occurs on the property or adjacent
31 property at a distance four feet
32 above the ground. This may be ac-
33 complished by means of an isolux
34 curve or computer printout project-
35 ing the illumination levels.
- 36 (4) A graphic depiction of the lighting
37 fixture's lamp concealment and
38 light cutoff angles.
- 39 (5) Upon review of the material de-
40 scribed above, the Zoning Adminis-
41 trator and Village Engineer may au-
42 thorize the installation of outdoor
43 lighting fixtures.

44 (e) Supplemental Information

45 The following table provides a reference
46 point for visualizing low-level foot-candles.
47 A 4-watt night lamp was used to determine
48 the listed values. The used light meter's
49 lowest measurable reading is 0.1 fc (with
50 +/- 5% accuracy). Readings were taken 8-
51 inches below the 4-watt lamp.

52

| Table Of Foot-Candle Readings | |
|-------------------------------|-------------------|
| Reading Location | Foot-Candle (Fc) |
| At Lamp | 1.5 fc |
| 1-Foot | 0.9 fc |
| 2-Foot | 0.2 fc |
| 3-Foot | > 0.1 fc < 0.2 fc |
| 46-inch | 0.1 fc |
| > 46-inch | >0.0 fc < 0.1 fc |

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SEC. 66.0809 OUTDOOR LIGHTING

SEC. 66.0809 OUTDOOR LIGHTING

1

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0900 NON-CONFORMING USE DEFINITIONS

SEC. 66.0901 EXISTING NON-CONFORMING USES

SECTION 900 - NON-CONFORMING USES, STRUCTURES AND LOTS

Note: This entire section was revised by Ordinance 171-071310.

Sec. 66.0900 Non-Conforming Use Definitions

The following definitions and categories shall apply to non-conforming uses and structures.

(a) Detrimental non-conformities are those that have a negative impact on the health and safety of the public. Detrimental non-conformities have the potential for harm.

(b) Benign non-conformities are those that do not have a negative impact on the health and safety of the public, but may have a negative impact on public welfare.

(c) Health and Safety of the Public is the protection from injury, illness, danger and other harm.

(d) Public welfare is the protection from nuisances, economic interest, convenience, community character and the vision expressed in the Village's Smart Growth Plan.

(e) Detrimental Non-conforming Uses.

Detrimental non-conforming uses are those non-conforming uses, which are not compatible with permitted uses in the zoning district and which, if permitted to continue or expand, would have a detrimental effect on those uses permitted in the zone. Detrimental non-conforming uses shall include the following:

(1) Commercial and industrial uses in residential and institutional zones.

(2) Industrial uses in commercial zones.

(3) In commercial zones, residential uses not specifically permitted in the zone

(f) Benign Non-conforming Uses:

Benign non-conforming uses are those uses other than detrimental non-conforming uses, which are generally not detrimental in the zone where they are located and include the following:

(1) In residential zones those non-conforming residential uses, which do not conform to the population density standards for the zone in which, they are located.

(2) In commercial zones those non-conforming uses, which are of the

same general type as those uses permitted in the zone and are determined by the Plan Commission to be not incompatible with permitted uses.

Sec. 66.0901 Existing Non-Conforming Uses

The lawful non-conforming use of land, or water; or a lawful non-conforming use on a conforming or non-conforming lot which existed at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter; however,

(a) Expansion prohibited.

Only that portion of the land or water in actual use may be so continued and the use may not be extended, enlarged, substituted or moved; except when required to do so by law or order or so as to comply with the provisions of this chapter. The expansion of parking or loading space to conform to the code is permitted.

(b) Discontinuance.

If such non-conforming use is discontinued or terminated for a period of 12 consecutive months, any future use of the land or water shall conform to the provisions of this chapter. When a portion of a non-conforming use ceases on a portion of the land or water that portion of the non-conforming use shall be terminated.

(c) Burden of proof.

The owners of property claiming to have a legal non-conforming use or a lawful conditional use, have the burden to prove that such use is in fact a non-conforming use or lawful conditional use in accordance with section 66.0922 [See page 125] of this chapter.

(d) Changes and substitutions.

(1) A non-conforming use of land may be changed to a less intense non-conforming use with the approval of a conditional use permit by the Plan Commission when it can be demonstrated that the new use is in fact less detrimental to the other uses in the area.

(2) Once a non-conforming use has been changed to conform, it shall not revert to a non-conforming use.

(3) Once the Plan Commission has permitted the substitution of a less restrictive non-conforming use for an existing non-conforming use, the

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SEC. 66.0902 CONFORMING STRUCTURES ON NON-CONFORMING LOTS

SEC. 66.0911 NON-CONFORMING STRUCTURES

substituted use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Plan Commission.

Sec. 66.0902 Conforming Structures on Non-Conforming Lots

(a) Continued use allowed.

The use of a conforming structure existing at the time of the adoption or amendment of this chapter may be continued although the lot area or lot width does not conform to the requirements of this chapter.

(b) Additions and enlargements.

Additions and enlargements to the conforming structures are permitted and shall conform to the established building setback, height, parking, loading and access provisions of this chapter.

(c) Existing structures on non-conforming lots.

Existing conforming structures on non-conforming lots, which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall conform to the established building setback, height, parking, loading, and access provisions of this chapter.

Sec. 66.0910 Non-Conforming Structure Definitions

The following definitions and categories shall apply to non-conforming structures.

(a) Detrimental non-conformities are those that have a negative impact on the health and safety of the public. Detrimental non-conformities have the potential for harm.

(b) Benign non-conformities are those that do not have a negative impact on the health and safety of the public, but may have a negative impact on public welfare.

(c) Health and Safety of the Public is the protection from injury, illness, danger and other harm.

(d) Public welfare is the protection from nuisances, economic interest, convenience, community character and the vision expressed in the Village's Smart Growth Plan.

(e) Detrimental Non-conforming Structures.

Detrimental non-conforming structures are those designed for detrimental uses not permitted in the zone and cannot be reasonably structurally altered to house a conforming use. Such structures include the following:

(1) In residential and institutional zones, commercial and industrial buildings.

(2) In commercial zones, industrial buildings.

(3) In commercial zones, residential buildings not specifically permitted in the zone

(f) Benign Non-conforming Structures:

Benign non-conforming structures are those structures other than detrimental non-conforming structures, which are generally not detrimental in the zone where they are located and include the following:

(1) In residential zones, buildings non-conforming by reason of being designed for residential uses which are not permitted in the zone in which they are located.

(2) Any building other than a detrimental non-conforming building, which does not conform to the height, yard, setback, parking loading, open space requirements of the zone where it is located.

Sec. 66.0911 Non-Conforming Structures

The use of a structure existing at the time of the adoption or amendment of this chapter may be continued although the structure's size or location does not conform to the established building setback, height, parking, loading and/or access provisions of this chapter.

(a) Discontinuance.

If such use of a non-conforming structure is discontinued or terminated for a period of 12 consecutive months, any future use of the structure shall conform to the provisions of this chapter. When the use of a portion of a non-conforming structure ceases that portion of the non-conforming use shall be terminated.

(b) Burden of proof.

The owners of property claiming to have a legal non-conforming structure or a lawful conditional use, have the burden to prove that such use is in fact a non-conforming structure or lawful conditional use in accordance with section 66.0922 [See page 125] of this chapter.

(c) Additions and enlargements to existing detrimental non-conforming structures.

Detrimental non-conforming structures shall not be moved, enlarged, remodeled or modified except for the purpose of mak-

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0920 EXISTING NON-CONFORMING LOTS

SEC. 66.0922 INTERPRETATION AND PROOF OF USES

ing them suitable for a conforming use. A detrimental non-conforming structure may be modified to permit a less intense non-conforming use with the approval of a conditional use permit by the Plan Commission when it can be demonstrated that the new use is in fact less detrimental to the other uses in the area.

(d) Additions and enlargements to existing benign non-conforming structures.

Benign non-conforming structures shall not be moved, enlarged or modified unless the structure(s) including the additions and enlargements is made to conform in every respect to the requirements of the zone where the structure is located. However, the Plan Commission may approve conditional use permits for the expansion or redevelopment of properties, which have been previously developed and do not conform to the requirements in this Code, provided that the expansion or redevelopment is designed for a permitted use. The conditional use permits may permit deviation from the regulations, including parking requirements, when it can be found that:

- (1) Strict conformance to the Zoning Code requirements would preclude viable expansion or redevelopment of the site.
- (2) Strict conformance to the Zoning Code would result in disorderly or illogical transitions between existing and expanded areas of the site.
- (3) Deviation from the Zoning Code regulations would not jeopardize the public health, safety and welfare and would produce a quality built environment.
- (4) De-minimis deviations from a dimensional requirement or standard would not have a negative impact on neighborhood character.

(e) Damage to existing non-conforming structures.

Existing benign non-conforming structures which are damaged by fire, explosion, flood, or other calamity may be reconstructed and insofar as is practicable shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter. Existing detrimental non-conforming structures which are damaged by fire, explosion, flood, or other calamity to the extent that such damage is

more than 50 percent of the current equalized assessed value of the structure shall not be reconstructed. (*Amended Ordinance 206-100912*)

(f) Remodeling existing non-conforming structures.

Existing benign non-conforming structures, which are remodeled or reconstructed shall conform to the established building setbacks, height, parking, loading, and access provisions of this chapter. (*Amended Ordinance 206-100912*)

Sec. 66.0920 Existing Non-Conforming Lots

A lot which is located in the B-1 business and R-1, R-2 and R-3 residential zoning districts which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 65 feet in width at the building line and 65 feet in width at the ordinary high-water mark or rear lot line, and which is 10,000 square feet in area, may be used as a building site providing that the use is permitted in the zoning district, providing the lot is on record in the county register of deeds office prior to November 16, 1973, and providing the lot is in separate ownership from abutting lands.

Sec. 66.0921 Wetland Non-Conforming Uses

Notwithstanding section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling, or expansion of a legal non-conforming structure, or any environmental control facility related to a legal non-conforming structure, located in the W-1 district and in existence at the time of adoption or subsequent amendment of this chapter, or of an environmental control facility in existence on November 13, 2004, related to that structure is permitted pursuant to section 62.231(5) of the Wisconsin Statutes section 62.23(7)(h), however, applies to any environmental control facility that was not in existence on November 13, 2004, but was in existence on the effective date of this chapter or amendment.

Sec. 66.0922 Interpretation and Proof of Uses

The owners of property who want to alter their use that they claim is either a legal non-conforming use or a lawful conditional use should apply for the alteration of the use, or the building in which it is located, with the Zoning Administrator. The Zoning Administrator, after a review of Village records, may require documentation of the applicant to prove his/her claim. Based upon a review of the submitted documentation, the Zoning Administrator may approve or deny the appli-

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SEC. 66.0922 INTERPRETATION AND PROOF OF USES

SEC. 66.0922 INTERPRETATION AND PROOF OF USES

1 cant's claim. If denied, the applicant may seek an
2 interpretation of the matter from the Plan Com-
3 mission.

4 Note: This entire section was revised by Ordinance 171-071310.
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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0922 INTERPRETATION AND PROOF OF USES

SEC. 66.0922 INTERPRETATION AND PROOF OF USES

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1000 TREE CUTTING REGULATIONS

SEC. 66.1000 TREE CUTTING REGULATIONS

SECTION 1000 – OTHER PERMITS AND REGULATIONS

1 Sec. 66.1000 Tree Cutting Regulations

2 (a) Tree cutting regulations:

3 Outside of the area delineated as the Bluff
4 Overlay district, the purpose of tree cutting
5 regulations applicable to the shorelands
6 area are to protect scenic beauty, control
7 erosion and reduce effluent and nutrient
8 flow from the shore land.

9 (1) Tree cutting. Tree cutting in a strip
10 paralleling the shoreline and ex-
11 tending 350 feet inland from all
12 points along the normal high-water
13 mark of the shoreline shall be lim-
14 ited in accordance with the follow-
15 ing:

16 a. No more than 30 percent of
17 the length of this strip (as
18 measured along the ordinary
19 high-water mark) shall be
20 clear-cut to the depth of the
21 strip.

22 b. Provided, further, that cutting
23 of this 30 percent shall not
24 create a clear-cut opening in
25 this strip greater than 30 feet
26 wide for every 100 feet of
27 shoreline measured along the
28 ordinary high-water mark.

29 c. In the remaining 70 percent
30 length of this strip (distance
31 measured along the ordinary
32 high-water mark), cutting
33 shall leave sufficient cover to
34 screen cars, dwellings, ac-
35 cessory structures, except
36 boathouses, as seen from the
37 water and to control erosion.

38 (2) Special cutting plan. A special cut-
39 ting plan allowing greater cutting
40 may be permitted by the Plan
41 Commission by issuance of a condi-
42 tional use permit. In applying for
43 such a permit, the commission may
44 require the lot owner to submit a
45 drawing of his/her lot including the
46 following information: location of
47 all structures, location of parking,
48 and gradient of the land, existing
49 vegetation, proposed cutting and
50 proposed replanting. The commis-
51 sion may grant such a permit only if

it finds that such special cutting
plans:

a. Will not cause undue erosion
or destruction of scenic
beauty.

b. Will provide substantial
shielding from the water of
dwellings, accessory struc-
tures and parking area. The
commission may condition
such a permit upon a guaran-
tee of tree planting by the lot
owner. Such an agreement
shall be enforceable in court.

c. Is consistent with accepted
forest management practices.

(3) Tree topping. Tree topping which is
defined as tree cutting or sculptur-
ing where only a portion of the tree
is removed to improve the view is
prohibited within the shoreland area
of the Village.

(b) Tree cutting regulations beyond the shore land area.

(1) Purpose. The purpose of these regu-
lations is to provide for the protec-
tion and preservation of the trees
and woodlands of the Village be-
yond the shoreland area. The Vil-
lage recognizes in the Village Com-
prehensive Plan that woodlands,
wetlands and open space areas
serve as wildlife habitat, flood stor-
age areas and provide natural set-
tings for the Village and that they
should be protected. In addition,
woodlands are an integral and im-
portant part of the Village's attrac-
tiveness as a residential, recreation-
al and resort community and as
such provide an important econom-
ic asset to the Village.

(2) Applicability. These tree-cutting
regulations shall apply to that area
of the Village in all zoning districts
outside of the shore land area and
Bluff Overlay district. These regula-
tions shall apply to trees or similar
woody vegetation having at least
one well-defined stem at least three
inches in diameter measured at a
height of 4 1/2 feet above the
ground. These regulations shall not
apply to the removal of dead, dis-
eased or dying trees when removed
using accepted forest management

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SEC. 66.1015 LAND DISTURBANCE REGULATIONS.

SEC. 66.1015 LAND DISTURBANCE REGULATIONS.

- practices and sound soil conservation practices or the management of an orchard.
- (3) Tree cutting provisions. Trees or similar woody vegetation shall only be removed if one or more of the following conditions are present:
- a. Necessity to remove trees, which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption of public services.
 - b. Necessity to remove trees which pose a safety hazard to buildings.
 - c. Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury.
 - d. Necessity to observe good forestry practices, i.e., the number of healthy trees that a given parcel of land will support.
 - e. Necessity to remove trees in order to construct permitted structures and because of the need for: access around the proposed structure for construction equipment; access to the building site for construction equipment; essential grade changes, surface water drainage and utility installations. Only those areas approved for the placement of a physical improvement may be cleared of trees.
 - f. Necessity for compliance with other ordinances.
 - g. Necessity to provide access to sunlight for solar collectors.
- (4) Cutting plan. As an alternative to subsection (b) of this section, a special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a conditional use permit. In applying for such a permit, the commission shall require the lot owner to submit a drawing of his/her lot, including the following information: location of parking, location of improvements, gradient of the land, existing vegetation, proposed cutting and

- proposed replanting. The commission may grant such a permit only if it finds that such special cutting plans:
- (5) Will not cause undue erosion or destruction of scenic beauty; and
 - (6) Shall be accomplished using accepted forest management practices and sound soil conservation practices.
- (c) Compliance with land use disturbance provisions.
- Tree cutting shall comply with section 66.1015 of this section, land disturbance use or activity.

Sec. 66.1015 Land Disturbance Regulations.

- (a) General design principles.
- Control measures shall apply to all aspects of the proposed land disturbance use or activity and shall be in operation during all stages of the disturbance activity. The following principles shall apply to soil erosion and sediment control:
- (1) Stripping of vegetation, grading or other soil disturbance shall be done in a manner, which will minimize soil erosion.
 - (2) No site shall be cleared of top soil, trees and other natural features before the zoning and building permits are issued. Whenever feasible, natural vegetation shall be retained and protected. Only those areas approved for the placement of physical improvements may be cleared. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.
 - (3) Temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.
 - (4) Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or disturbance. Water from the land disturbing activity shall not create a hazard by exceeding the safe capacity of the receiving water body in the area; shall not cause undue channel erosion or an undue increase in water pollution by increased scour and transport of particles; shall not otherwise endanger

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the downstream property owners or their property; and shall not cause property damage, nuisance or erosion on adjacent properties. Safe capacity is defined as the rate of flow that can be handled without flooding. Such provisions shall be in addition to all existing requirements. The Village Engineer shall review and approve all storm water and drainage plans for the project.

(5) Water runoff shall be minimized and retained on the site whenever possible to facilitate groundwater recharge.

(6) Sediment shall be retained on the site.

(7) Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or disturbance.

(b) Maintenance.

All necessary soil erosion and sediment control measures installed under this chapter shall be adequately maintained until such measures are permanently stabilized, as determined by the Zoning Administrator. The Zoning Administrator shall give the applicant, upon request, a certificate indicating the date on which the measures called for in the approved plans were completed.

(c) Filling and dumping regulations.

In order to promote the health and safety of the Village, to protect life and property from flooding, to preserve stormwater retention areas, and to ensure consistency with the comprehensive plan, filling and dumping activity shall require a conditional zoning permit in the case where a building permit is not required, when the filling and dumping increases the original base elevation more than six inches.

(d) Exemptions.

Agricultural activities are specifically exempt from this section.

Sec. 66.1020 Pier Permits

(a) Definitions. The definitions contained within Wisconsin Statutes Section 30.01 are incorporated in and adopted as part of this section (Amended Ordinance 112-102505).

(1) Pier. Means any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of

providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter, which is removed seasonally. Such a structure may include a boat hoist or boatlift, and the hoist or lift may be permanent or may be removed seasonally. The term "dock" shall also mean pier.

(2) Pre-existing Pier. A pier that has been placed in the riparian zone in the same general location and with the same general size and configuration during any of the three years prior to the enactment of this section is considered a pre-existing pier if it is not extended or expanded after the adoption of this section dated October 25, 2005. The seasonal removal of a pier does not affect its status as a permissible pre-existing pier if it is re-established in substantially the same form and same general location.

(3) Riparian Zone. The area of water adjacent to a parcel of riparian land within which the riparian owner may place structures. The riparian zone is bounded by the land and the line of navigation. The side boundaries of the riparian zone are to be determined consistent with Wisconsin Administrative Code Section NR 326.07.

(b) Permit Required.

(1) No riparian shall construct any pier in the Village without first having secured a permit therefore from the Village. A permit is valid for the life of the pier, whether a permanent or portable pier, as long as its location and construction remain substantially unchanged and the pier and its use comply with the provisions of this section.

(2) Any required U.S. Army Corps of Engineers or Department of Natural Resources permit required for the proposed pier shall be obtained prior to issuance of a pier permit from the Village of Sister Bay.

(3) The applicant for any pier used for commercial purposes, to generate revenue, or in riparian zones abutting multiple-family residential

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1 housing shall make application to
2 the Plan Commission of the Village
3 of Sister Bay for a pier permit and
4 must meet all standards of this sec-
5 tion.

- 6 (4) A pre-existing pier, which fails to
7 conform to the requirements of this
8 section, is permissible as a non-
9 conforming structure. Owners of
10 nonconforming structures may per-
11 form repairs and maintenance upon
12 the nonconforming structure with-
13 out expanding the structure. A per-
14 mit shall be required for any modi-
15 fication of a pre-existing pier.

16 (c) Application for Permit.

17 All applications for a permit shall be in
18 writing on forms provided by the Village
19 Administrator. The application shall in-
20 clude a copy of any permit required by the
21 U.S. Army Corps of Engineers and/or De-
22 partment of Natural Resources. The appli-
23 cation shall include the fee as established
24 by resolution of the Board of Trustees to be
25 the same as a standard zoning permit.

26 (d) Determination of Applicability.

27 The Village may determine that the opin-
28 ion of a consultant is necessary to deter-
29 mine whether the pier proposed by the ap-
30 plicant meets the standards of this ordi-
31 nance or may have an environmental im-
32 pact. In such event, the applicant shall be
33 required to reimburse the Village for all
34 consulting fees and expenses incurred in
35 such review.

36 (e) Standards for Pier Construction

- 37 (1) No solid pier or pier that uses rock-
38 filled cribs as a foundation shall be
39 allowed unless a permit for such
40 pier has been issued by the De-
41 partment of Natural Resources.
42 (2) No pier shall totally enclose any
43 portion of navigable waters.
44 (3) No pier shall be placed less than 25
45 feet from the side boundaries of the
46 owner's riparian zone.
47 (4) No pier may include attached light-
48 ing in excess of that required in aid
49 to navigation, or signs unless they
50 are specifically authorized in per-
51 mits issued by the Department of
52 Natural Resources, Wisconsin De-
53 partment of Transportation or U.S.
54 Army Corps of Engineers. Low-level
55 pedestrian lighting shall be permit-

ted consistent with the requirements
of Section 66.0809 [See page 119].

- (5) All pier materials shall be of neutral
colors so that they blend in with
surroundings.

- (6) No roofs, canopies, decks, water
slides or other construction not es-
sential for mooring watercraft shall
be permitted.

- (7) No pier shall unreasonably obstruct
navigation or otherwise interfere
with public rights in navigable wa-
ters.

- (8) No pier shall unreasonably interfere
with the rights of other riparian's.

- (9) No pier shall be constructed or
maintained with a screen or in any
other manner, which would trap or
accumulate aquatic plants.

- (10) Unless they are pre-existing, the to-
tal number of piers shall not exceed
one (1) for riparian zones abutting
parcels with single-family dwellings
and shall not exceed two (2) for ri-
parian zones abutting parcels with
two-family dwellings. The total
number of piers for riparian zones
abutting multiple-family residential
developments, or common areas for
condominiums or residential subdivi-
sions, shall be determined by the
Plan Commission, but shall not ex-
ceed the total number of dwelling
units.

- (11) No parcel of land shall have more
than one pier. The pier shall be
sized so as to accommodate no
more than a total of three boats or
watercraft.

(f) Removal of Unlawful Construction.

Any pier that is not in compliance with the
requirements of this section shall constitute
an unlawful obstruction to navigable wa-
ters, and the procedures for removal of
such unlawful structures shall be as pro-
vided in Wisconsin Statutes Section 30.13.
Any pier that is not in compliance with the
provisions of this section shall constitute a
public nuisance and may be subject to
abatement procedures as provided by law.

(g) Enforcement; Forfeiture.

Any person or entity in violation of this
section may be subject to a forfeiture of up
to \$100, plus costs, for each violation, with
each day that the unlawful structure re-
mains in place constituting a separate of-

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SEC. 66.1025 IMPACT ON HOUSING STOCK

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fense. In addition, the Village may seek an order to abate the public nuisance, seek removal of the unlawful structure under applicable law and may be awarded the costs of prosecution, including reasonable attorney fees, for any proceeding filed hereunder.

(h) Conditional Use Permit.

(1) An applicant for a pier permit may request a conditional use permit to vary from the terms of this section as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, so that the spirit shall be observed, public safety and welfare secured, and substantial justice done. The request shall be handled in the same manner as a conditional use permit as specified in Section 66.1535 [See page 156].

(2) A request for a conditional use permit from the terms of this section shall be submitted in writing to the Zoning Administrator with payment to the Village of Sister Bay of the conditional use fee.

(3) A request of a conditional use permit shall be forwarded to the Village Marina Committee who shall submit a recommendation to the Plan Commission within 30 days. Upon receipt of the recommendation of the Marina Committee, the conditional use permit shall be considered by the Plan Commission with a conditional use permit to be granted only upon the vote of a majority of the Plan Commission members present. In considering the request for variance the Plan Commission shall consider the factors set forth in Section (h)(1) hereof, as well as other relevant information.

(4) The Plan Commission shall conduct a public hearing on the conditional use permit as required under Section 66. 66. 1801 [See page 166] including notice to adjoining riparian property owners within 300 hundred feet of the subject property. The recommendation of the Plan Commission shall be forwarded to

the Board of Trustees as required in Section 66.1535 [See page 156].

(i) Appeals.

(1) The applicant or any party aggrieved by a decision of the Village Administrator upon a pier permit application may appeal such decision by filing a written request for appeal within 30 days after the determination to issue or deny the application to the Plan Commission of the Village of Sister Bay, with the appeal request to be filed with the Village Clerk.

(2) The applicant or any party aggrieved by a decision of the Plan Commission upon a pier permit application may appeal such decision by filing a written request for appeal within 30 days after the determination to issue or deny the application to the Board of Appeals of the Village of Sister Bay, with the appeal request to be filed with the Village Clerk.

Sec. 66.1025 Impact on Housing Stock

(a) Purpose.

The purpose of these regulations is to insure that commercial projects that create employment opportunities for area residents also address the shortage of employee housing and create housing opportunities given the seasonal nature of employment in the Sister Bay area.

(b) Definition.

For the purposes of this section:

(1) The term "housing" shall include dwelling units or rooms in hotels, motels, inns, single-family housing and apartments that are in compliance with the zoning code and if applicable, properly licensed by the State of Wisconsin.

(c) Applicability.

The following standards apply to:

(1) All new developments in the B-1, B-2 and B-3 districts.
(2) Projects in the B-1, B-2 or B-3 district that require a Certificate of Compliance.

(d) Requirement.

As a condition of site plan and zoning approval, the Plan Commission shall review the employment being created by the project. The Plan Commission may give consideration to offsetting some of the required

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SEC. 66.1030 IMPACT ON WORKFORCE HOUSING

SEC. 66.1036 CRITERIA FOR ADDRESS NUMBER ASSIGNMENT.

employee parking if employee housing dwelling units are created on site. The Plan Commission may give consideration to offsetting some of the required open space to a maximum credit of 5% if employee housing dwelling units are created on site. (Amended Ordinance 163-030910)

Sec. 66.1030 Impact on Workforce Housing

(a) Purpose.

The purpose of these regulations is to insure that residential projects address the need for workforce housing.

(b) Applicability.

The following standards apply to new developments in the R-2 district.

(c) Requirements.

As a condition of site plan and zoning approval, the Plan Commission shall review the number of housing units being created for the project. If the Plan Commission determines that the need for workforce housing remains as outlined in Chapter 3 and 4 of the 2003 Comprehensive Plan and as defined in Section 66.0314, then the Plan commission may make certain adjustments to the density requirements in Section 66.0312 of the code. The Plan Commission may increase the overall project unit density by 0.2 units for each dwelling unit that meets the requirements of workforce housing. (Amended Ordinance 163-030910)

Sec. 66.1035 Property Addressing

(a) Purpose.

The purpose is to establish the procedures used to implement and administer a uniform addressing system in Village of Sister Bay that utilizes address numbers determined by the Door County Planning Department. The basis for the assignment of property address numbers shall be the Door County baseline system. (Sections 66.1035-1025) (Amended Ordinance 126-051407)

(b) Responsibilities.

The Door County Planning Department shall be responsible for assigning all property addresses upon submission of the necessary information from the Village Administrator.

(c) Fees and Charges.

The Village Board shall establish such fees for the issuance of property addresses.

(d) Progression and Spacing of Number Lines.
The property addressing in the Village shall comply with a system that assigns numbers based upon the following formula:

- (1) 150 even numbers per mile (~35.2-foot intervals) on the east and north sides of roads.
- (2) 150 odd numbers per mile (~35.2-foot intervals) on the west and south sides of roads.

(e) Measurement of Number Line.

Number lines indicating grid location with regard to the appropriate baseline shall be measured to the point where the principal driveway intersects with the road. Possible exceptions may be made for corner lots and double frontage lots. Adjustments may be made at time of number assignment so as to maintain consistent sequencing of address numbers.

(f) Property Address Application.

All requests for property addresses shall be completed on Building Address Permit form provided by the Village Administrator.

Sec. 66.1036 Criteria for Address Number Assignment.

(a) New Development.

Addresses are assigned prior to the issuance of a zoning permit for a principal use. Address numbers shall be assigned when the principal use of a property or a driveway location has been determined. Issuance of an address number may also be triggered by:

- (1) Driveway permit.
- (2) Requests from builders or public utilities.
- (3) Field inspection.
- (4) Requests from property owners.

(b) Accessory Building Addressing.

New numbers will generally not be assigned to new buildings accessory to the principal use (i.e., a new house will be assigned a number, but a detached garage or storage building will not be assigned a number). Accessory buildings may be assigned a separate address if accessed by a separate driveway or if accessed by the principal driveway, but housing a separate use.

(c) Accessory Uses.

An accessory use with no other accompanying principal use may also require an address.

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SEC. 66.1037 ADDRESS SIGN CRITERIA AND PLACEMENT

SEC. 66.1037 ADDRESS SIGN CRITERIA AND PLACEMENT

(d) Driveways.

(1) Address numbers are generally required when there is a driveway (existing or proposed) that serves or will serve a principal use or accessory use, as described above in 66.1036(a). Address numbers shall not be assigned until a driveway location has been determined.

(2) Driveways that do not serve a principal use may not require address numbers. Door County will maintain discretion in this matter.

(3) Each development or lot on a shared driveway shall be assigned an address. A summary sign displaying the road name and each address shall be placed at the intersection of the driveway and the road. The cost of such sign shall be paid for by the affected property owners.

(e) Condominiums and Apartments.

(1) Each building shall be assigned one address number with each unit further identified by additional numbers or letters.

(2) Townhouse and duplex units with individual driveways and entrances may be assigned unique address numbers.

(f) Meandering Roads.

(1) Assignment of numbers shall be based on predominate road direction with the numbers per mile spacing maintained (see Section 66.1035(d)). Number assignment may be adjusted to accommodate additional road length.

(2) Where the road makes a 90° directional change for more than one-half mile, that road segment may be numbered consistent with the directional change.

(g) Looping Roads.

(1) For roads that begin and end on a single road, resulting in two parallel sides, the loop road shall be split in half and appropriate side designations shall be given to the name of the road. For example, a loop road named Circle Road might be split into North Circle Road and South Circle Road. Therefore, two developments on Circle Road might have the same address number, but different road names.

(2) The number range on the two sides shall be similar. An even and odd number shall abut at the change of direction.

(3) Short loop roads may be addressed based on primary direction if number density allows.

(h) Cul-de-Sacs.

An even and an odd number will abut at some point on the turning circle of a cul-de-sac.

Sec. 66.1037 Address Sign Criteria and Placement

(a) Residential Buildings.

All single family and two family residential buildings and all institutional buildings shall have street numbers at least three inches high, placed on the exterior wall of the principal building, or immediate proximity to the principal building that faces the street providing access to the building. All such residential units shall also have street numbers, not less than two inches high, placed on their respective mailbox if one exists.

(b) Multifamily Buildings.

All multifamily buildings shall have street numbers at least three inches high, placed on the exterior wall of the principal building that faces the street and located adjacent to the individual unit entrances to the buildings.

(c) Business Buildings.

All business buildings shall have street numbers at least six inches high, placed on the exterior wall of the principal building facing the street, service drive or parking lot providing access to that building and located adjacent to any primary entrance door.

(d) Other Buildings.

All business structures, which have a rear service door, shall identify the occupant and the street address conspicuously on the rear door in contrasting and reflective letters and numbers at least six inches in height, and shall be continually maintained.

(e) Address Sign Placement for Buildings with Excessive Setback from the Street.

Buildings that are setback more than eighty (80) feet from the centerline of the street shall be required to place an address sign as required below, unless a mailbox is placed where the address sign would be

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SEC. 66.1038 STREET AND ROAD NAMING

SEC. 66.1039 COUNTY ADMINISTRATION OF VILLAGE NUMBERING

placed. The criteria for address signs is a follows:

(1) Address signs shall be securely fastened. No metal fence posts are to be used for posting address numbers. Alternate methods may be used where ground conditions prohibit placement of a post. The Door County standard green number sign is prohibited.

(2) Signs shall be placed to the right side of driveways, when viewed from the road, if practical. Signs may be placed to the left side of the driveway if number visibility is better accomplished or if right side installation is not practical. Exceptions may be possible for corner lots or double frontage lots. The sign face shall be toward the road.

(3) Signs shall be located not greater than twenty feet from the edge of the driveway. Variation may be allowed at the Village's discretion, such as for, but not limited to, corner lots and double frontage lots.

(4) Signs shall not be set back further than ten feet from the road right-of-way. The sign shall be in a horizontal position at approximately 4.5 to 5 feet above the road level.

(5) The address sign numbers shall be at least three inches high.

(f) Sign Standardization.

Property owners are permitted to use any color, material, size (meeting or exceeding the minimums), shape, or style of sign for the addressing as required in (a) – (e) above as long as no prohibited types are used.

Sec. 66.1038 Street and Road Naming

(a) Administration.

The Plan Commission shall approve all public and private street and road names. The Plan Commission may name and or rename roads when deemed appropriate. Requests for new road names may come from the Village Board, land developers, or private citizens.

(b) Official Street Map.

There is hereby established an Official Street Map of the Village of Sister Bay. The Plan Commission shall designate all public and private streets on an Official Street Map. [Note Refer to Section 54.050 for the

requirements of the Official Map, which is a different type of mapping.]

(c) Street Naming Criteria.

All public and private roads serving four or more principal uses or intended principal uses shall be named and addressed using the following criteria:

(1) New road names shall be easy to pronounce and easily recognizable in emergency situations. Each road name shall be unique in spelling and sound. The Plan Commission shall base acceptance of a proposed road name on whether or not the proposed name is already in use within the Village and seek to avoid duplicate names already in existence in the County, including incorporated areas.

(2) Road names shall not contain hyphens.

(3) 1st, 2nd, etc. shall not be used.

(4) Alphabetical characters shall not be allowed as road names.

(5) New road names shall not include compass directions or abbreviated directions.

(6) New road names shall not exceed 18 characters in length including the road type.

(7) New roads that are an extension of existing roads shall maintain the same road name.

(d) Road Types.

Road type designations (Road, Lane, Circle, etc.) shall adhere to the Urban and Regional Information Systems Association's (URISA) policies and procedures.

(e) Street Name Sign Standards.

The Plan Commission shall establish a standard type of sign for street names. The standard shall include the sign location and type of post. No other signage shall be allowed on street name signposts. All material and labor costs associated with the purchase and installation of street name signs for private developments and private streets shall be borne by the property owner or developer.

Sec. 66.1039 County Administration of Village Numbering

The Door County Planning Department shall maintain a record of all assigned addresses and of all road names and their locations. The Door County Planning Department may adopt policies

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SEC. 66.1040 PROPERTY ADDRESS REASSIGNMENT IMPLEMENTATION

SEC. 66.1040 PROPERTY ADDRESS REASSIGNMENT IMPLEMENTATION

1 and practices as necessary to manage the County
2 addressing system and to insure fulfillment of the
3 purpose of the Uniform Addressing System Ordinance.
4

5 **Sec. 66.1040 Property Address Reassignment** 6 **Implementation**

- 7 (a) Any new building addresses assigned after
8 the effective date of this ordinance shall be
9 based upon the County numbering system.
10 (b) Existing properties with addresses assigned
11 to buildings shall be converted to the
12 County numbering system no later than
13 April 1, 2008. Door County shall provide
14 the Village with electronic data file incorporating the existing property address, proposed property address and mailing address for each property in the Village with an existing property address no later than
15 August 1, 2007. Door County will be responsible for all notifications to businesses and agencies affected by the wholesale conversion of Village Addresses.
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SEC. 66.1050 SITE PLAN AND ARCHITECTURAL REVIEW

SEC. 66.1050 SITE PLAN AND ARCHITECTURAL REVIEW

Sec. 66.1050 Site Plan and Architectural Review

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure without first obtaining the approval of detailed site and architectural plans, as set forth in this section and Section 66.1050, prior to the issuance of a zoning permit. The Plan Commission shall review architectural plans and site plans showing existing and proposed structures, neighboring uses, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, drainage, the utilization of landscaping, existing natural resources and the proposed operation in all districts. However, this process shall not be required in the CS-1 district, unless the development site contains wetlands as shown on either the July 1, 1992, Final Wetlands Inventory Map issued by the Wisconsin Department of Natural Resources or wet areas as shown on the Village's latest topographic maps or woodlands as shown on the most recent aerial photos of the Village. Single-family and two-family dwellings shall not be subject to site plan and architectural review by the Plan Commission, however, if in the opinion of the Zoning Administrator, such residential plans exhibit design or appearance characteristics to require architectural review, the Zoning Administrator shall refer the application and such written opinion to the Plan Commission for review. (Amended Ordinance 162-011210)

(a) Principles.

To implement and define criteria for the purposes set forth above, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

(1) (9) Reserved for future use.

(10) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions for the Village.

(11) Buildings and uses shall maintain existing topography, drainage patterns and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.

(12) Appropriate buffers shall be provided between dissimilar uses as set forth in section 66.0303(d) [See page 6] of the Municipal Code.

(13) Buildings and uses shall provide for safe and efficient traffic circulation and driveway locations as set forth in section 66.0406 (Highway Access) [See page 89] of the Municipal Code.

(14) Fire protection and hydrants. The intent of this section is to insure adequate water supply for fire-fighting purposes to structures and buildings. The Village Engineer and Fire Chief shall certify in writing that sufficient water flow and pressure exists to serve the project for fire protection. For the purpose of placing hydrants, normal access routes are defined as pavement, sidewalks, streets, driveways and paths leading to the building that are clear and maintained year round. The normal access route does not include grass, parking stalls, ditches, hills, shrub beds, fences, walls or any other area not typically used for ingress or regress to a building. (Amended Ordinance 134-121107)

a. Buildings Where Required.

Any building, except single- and two-family dwellings, hereafter erected, shall provide, at the owner's expense, approved water hydrants. Hydrants shall be located so that no part of a building is more than 300 feet from an approved hydrant by normal access routes. This requirement may be modified upon written request by the owner to both the Fire Chief and Utility Manager who must both concur in writing why the modification should be permitted. The request may be approved only if the fire protection provided to the building is not reduced by the modification. Required hydrants shall be free standing and shall be installed not more than 50 feet or less than 25 feet from the building exterior wall. No hydrant shall be placed closer than 50 feet to any other hydrant. The Fire Department Fire In-

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1 spector and Utility Manager 57
2 will approve the actual loca- 58
3 tion of all fire hydrants. Two 59
4 copies of the building plans 60
5 including site plan, shall be 61
6 provided to the Zoning Ad- 62
7 ministrator for Fire Depart- 63
8 ment use, in addition to any 64
9 copies of building plans re- 65
10 quired by the Zoning Admin- 66
11 istrator. (Amended Ordinance 134-121107) 67
12 68
13 b. Accessibility. 69
14 All developments in districts 70
15 other than R-1, R-3, R-4 and 71
16 CS-1, the buildings, grading 72
17 and landscaping shall be 73
18 constructed, installed and 74
19 maintained in such a fashion 75
20 that the Fire Department can 76
21 have access around the en- 77
22 tire building(s) during the en- 78
23 tire year. The Fire Chief shall 79
24 provide written confirmation 80
25 of such access to the Plan 81
26 Commission prior to site plan 82
27 approval. (Amended Ordinance 120-061306) 83
28 84
29 (15) Buildings and uses shall be provid- 85
30 ed with adequate access to the Vil- 86
31 lage's street and highway system as 87
32 set forth in the Municipal Code. Ade- 88
33 quate street cross-sections appro- 89
34 priate to the permitted use shall be 90
35 provided by the developer. 91
36 a. Access onto major streets 92
37 should be held to the mini- 93
38 mum necessary to provide 94
39 safe and efficient traffic flow 95
40 as determined by the Plan 96
41 Commission. 97
42 b. Provisions shall be made for 98
43 cross access between com- 99
44 patible business develop- 100
45 ments. 101
46 c. Primary access to business 102
47 developments shall not be 103
48 through residentially zoned 104
49 areas. 105
50 d. The Plan Commission may 106
51 require that dedications of 107
52 right-of-way be executed for 108
53 the public streets serving the 109
54 property. 110
55 (16) Buildings and uses shall provide ade- 111
56 quate parking and loading areas. 112

a. No loading dock or overhead doors shall face upon a street right-of-way in business districts unless no practical alternative exists.
b. Uninterrupted parking lots along the full street frontage of business developments abutting a public right-of-way are inappropriate, and will not be permitted, except where the physical orientation of the lot makes it necessary. Parking should be directed to the side or rear of the lot, where it is less visually intrusive. In the B-2 and B-3 districts, none of the off-street parking for business developments directly abutting a public right-of-way shall be located between the front of the building and the primary abutting street. (Amended Ordinance 128-061207).
(17) Each retail or service building in excess of 15,000 square feet gross floor area must contribute to the establishment or enhancement of community and public spaces by providing a community amenity on the premises such as a patio/seating area, water feature, clock tower, or pedestrian plaza with benches. Retail buildings in excess of 30,000 square feet gross floor area must provide at least two of these amenities.
(18) Sidewalks shall be provided along all sides of the lot that abut a public street, and a continuous internal pedestrian walkway must be provided from the perimeter public sidewalk to the principal customer entrance. The internal pedestrian walkways must be distinguished from driving surfaces with contrasting materials to enhance pedestrian safety. Examples of acceptable materials include, but are not limited to special pavers, bricks, or scored concrete. A bikeway shall be provided along the side of a lot designated as a bikeway route by the Village or Door County. The Plan

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Commission may require that easements be executed for the public sidewalk and bikeway on the property.

(19) All signs must be designed and constructed in accordance with section 66.0700 [See page 107] of the Municipal Code.

(20) Buildings and uses shall be provided with adequate public sanitary sewer and water services as approved by the appropriate utility. Storm water drainage facilities may be required. The Plan Commission may require that easements be executed for water and sanitary lines on the property.

(21) Buildings and uses shall be provided with adequate lighting installed in a manner that does not interfere with users of adjacent properties.

(22) Buildings and uses shall be provided with dumpsters and trash receptacles in a number and location appropriate for the use as determined by the Plan Commission. All dumpsters shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.

(23) The required open space shall be designed as an integral part of the site, and may not include those areas required for parking, loading or other impervious surfaces. This requirement does not apply to the redevelopment of sites, including, but not limited to, the construction of a new building, additional building, building addition or expanded parking lot, which do not meet this minimum requirement at the time of the adoption of this ordinance. In those cases, the minimum amount of open space may not be reduced beyond that which exists on the property at the time of the adoption of this ordinance. (Amended Ordinance 159-120809)

(24) Wetlands shall not be cleared, filled or drained if the development will result in significant adverse impacts to the functional values of the affected wetlands, significant adverse impacts to water quality or other environmental consequences. They

shall be protected within an overall development plan for the property. In order to make this determination, the owner or developer of any property or properties that are involved with any of the following shall have any wetland on the property, as outlined on the 1992 Final Wetland Inventory Map or as subsequently identified, staked and legally described:

- Rezoning
- Subdivision Plat
- Conditional Use
- Official Map Amendment
- Certified Survey Map
- Building Permit

(25) Woodlands shall, to the greatest practical extent possible, be protected within an overall development plan for the property. In order to make this determination, the owner or developer of any property or properties that are involved with any of the following shall have any woodland on the property, as shown on the most recent aerial photo of the Village, staked, inventoried and legally described:

- Rezoning
- Subdivision Plat
- Conditional Use
- Official Map Amendment
- Certified Survey Map
- Building Permit

(26) From a practical standpoint, development may occur on a cleared or restored site, with appropriate governmental permits, of up to 20,000 square feet in area; if the wetland and woodland property is at least five acres in area and is at least 150 feet in width.

(27) Wetlands may be used in the density calculation of a development, but in no case shall they constitute more than 25 percent of the minimum lot area required.

(b) Sureties.
The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protec-

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tion of the identified wetlands and woodlands on the approved plan.

(c) Appeals.

Any person or persons aggrieved by any decisions of the Plan Commission related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Village Clerk within 30 days after filing of the decision with the Zoning Administrator.

(d) Modification of Standards.

The Plan Commission may modify any of the above standards by a $\frac{3}{4}$ -majority vote of the Commissioners, but only if supplemental design elements or improvements are incorporated into the project, which compensate for the modifications of the particular standard.

Sec. 66.1055 Architectural Review Criteria.

(Amended Ordinance 162-011210)

(a) Purpose and intent.

Section 66.1050 was adopted by the Village, for all zoning districts, to promote the health, safety, aesthetics, and general welfare in and of the Village, by:

- (1) Protecting the general appearance of buildings, structures, and open areas; and
- (2) Ensuring adequate light, air and privacy for property; and
- (3) Encouraging architectural standards that promote high quality design and use of quality materials, and composition of materials, that are attractive and compatible with existing buildings, and to maintain property values.

(b) Architectural Review Board

(1) The Village shall appoint an Architectural Review Board to assist and provide recommendation to the Village plan commission based on the conditions of the Village Architectural Standards.

(2) The Village Plan Commission members shall serve as the Architectural Review Board unless the Board of Trustees appoints five residents with one-year terms to serve as the Architectural Review Board. Unless the Board of Trustees appoints an Architectural Review Board all references in this section shall be to the Village Plan Commission.

(c) Architectural review process.

The Village Plan Commission shall be responsible and have authority to hear, review and act upon proposed commercial, multi-family residential and mixed-use architectural plans for new construction, renovation, remodeling and restoration work, based on the provided recommendation of the Architectural Review Board.

(1) Plans for architectural review shall be submitted in accordance with this section and administered by the Zoning Administrator.

(2) The Village Plan Commission shall not permit the design or exterior appearance, which is of such unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted taste. Additionally, the Village Plan Commission shall not permit the design or exterior appearance, which is so identical with those adjoining to create excessive monotony and drabness.

(d) Design criteria.

In making its findings and determination concerning each proposed project, the Architectural Review Board shall review each plan based on the conditions of the Village Architectural Standards, including but not limited to the following to create:

- (1) A high-quality design, composition/usage of materials, colors, and construction; and
- (2) A diversity of architectural styles, building scale and massing, building roof lines and shape; and
- (3) A compatibility with surrounding land uses and geographic location.

(e) Manual of Design.

The Architectural Review Board shall establish a Manual of Design that includes photographs, drawings and color samples that represent preferred designs. The Manual of Design shall be updated periodically.

(f) Architectural Standards.

The purpose of these standards is to assist the Village Plan Commission, Architectural Review Board, and the public with a standard to achieve quality in architectural design and to create a sense of place through appropriate use and composition of materials, architectural styles, and land use planning and design.

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- | | | | |
|----|--|-----|----------------------------------|
| 1 | (1) Exterior Architectural Treatment. | 56 | 4. Avoid vast blank |
| 2 | The image of the Village is influ- | 57 | building walls in areas |
| 3 | enced to a large degree by the de- | 58 | visible from the street |
| 4 | sign, character and architectural | 59 | or adjacent residential |
| 5 | aesthetics of its buildings. Architec- | 60 | areas. Design facades |
| 6 | tural treatment must be addressed | 61 | must convey human- |
| 7 | by the following standards: | 62 | scale through fenestra- |
| 8 | a. Massing/Scale. The massing | 63 | tion, building articula- |
| 9 | of a building refers to the | 64 | tion, or detailing. |
| 10 | overall size, bulk or volume | 65 | b. Form/Proportion. The form |
| 11 | of space, which a building | 66 | and proportion of a build- |
| 12 | encloses. Scale is conveyed | 67 | ing's elevation and roof are |
| 13 | by elements or parts of the | 68 | basic form-giving character- |
| 14 | building facade where door- | 69 | istics that are important in re- |
| 15 | ways, windows, and details | 70 | lating a new building to oth- |
| 16 | enable people to gauge its | 71 | er buildings and to its setting. |
| 17 | relative size and character in | 72 | 1. Elements of a building |
| 18 | relationship to the size of the | 73 | must be emphasized |
| 19 | human form. | 74 | to clearly show the |
| 20 | 1. The scale of the build- | 75 | division of roof and |
| 21 | ings must be compat- | 76 | walls. Color, materials |
| 22 | ible with the overall | 77 | and/or details must be |
| 23 | massing and the indi- | 78 | utilized to express this |
| 24 | vidual parts of adja- | 79 | division. |
| 25 | cent buildings, espe- | 80 | 2. Building components |
| 26 | cially adjacent to res- | 81 | and appurtenances, |
| 27 | idential areas. | 82 | including doors, win- |
| 28 | 2. Building heights of | 83 | dows, canopies and |
| 29 | new construction | 84 | trim, must maintain |
| 30 | must not exceed the | 85 | this proportion to |
| 31 | maximum building | 86 | each other and to the |
| 32 | height of each zoning | 87 | building as a whole. |
| 33 | district. | 88 | c. Fenestration/Entrances. The |
| 34 | a. A gradual tran- | 89 | fenestration of building fa- |
| 35 | sition to the | 90 | cades is the orderly arrange- |
| 36 | maximum | 91 | ment of openings within the |
| 37 | building height | 92 | elevations of the building. |
| 38 | is permitted. | 93 | 1. Design openings must |
| 39 | b. The relation- | 94 | form a unified com- |
| 40 | ship between | 95 | position in proportion |
| 41 | façade height | 96 | to the building eleva- |
| 42 | and width must | 97 | tion. |
| 43 | be maintained. | 98 | 2. Large blank walls, |
| 44 | 3. Transitions between | 99 | which are exposed to |
| 45 | adjacent residential | 100 | view, must be avoid- |
| 46 | structures and new | 101 | ed by creating hori- |
| 47 | non-residential struc- | 102 | zontal and vertical in- |
| 48 | tures to be construct- | 103 | terest. Utilize fenestra- |
| 49 | ed must also be | 104 | tion, related detailing, |
| 50 | achieved by the in- | 105 | and articulation to |
| 51 | corporation of hori- | 106 | provide scale and re- |
| 52 | zontal human-scale | 107 | lief to the building fa- |
| 53 | features in rooflines | 108 | çade. These architec- |
| 54 | and building eleva- | 109 | tural characteristics |
| 55 | tions. | 110 | shall be easily identi- |
| | | 111 | fied by the viewer. |

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| | | | | | | | |
|----|----|----|---------------------------------|-----|--|----|------------------------------|
| 1 | | 3. | Oversized fenestration | 57 | | | and other exterior |
| 2 | | | elements, which tend | 58 | | | building components |
| 3 | | | to create a monumen- | 59 | | | such as dumpster fa- |
| 4 | | | tal scale, shall be | 60 | | | cilities or other acces- |
| 5 | | | avoided unless specif- | 61 | | | sory structures, such |
| 6 | | | ically required by the | 62 | | | as signage. |
| 7 | | | type of building or re- | 63 | | 3. | In any building in |
| 8 | | | lationship to its sur- | 64 | | | which the structural |
| 9 | | | roundings. | 65 | | | frame is exposed to |
| 10 | | 4. | Building entrances | 66 | | | public view, the struc- |
| 11 | | | must be designed to | 67 | | | tural materials must |
| 12 | | | be clearly identifiable | 68 | | | also meet these stand- |
| 13 | | | and easily recogniza- | 69 | | | ards. |
| 14 | | | ble from parking lots | 70 | | 4. | A primary facade ma- |
| 15 | | | and pedestrian circu- | 71 | | | terial must be used |
| 16 | | | lation routes. | 72 | | | consistently on all |
| 17 | | 5. | Design, quality of ma- | 73 | | | building elevations to |
| 18 | | | terial, scale and char- | 74 | | | limit the number of |
| 19 | | | acter of a building, | 75 | | | compatible secondary |
| 20 | | | especially the location | 76 | | | facade materials. |
| 21 | | | of the entryway, must | 77 | | 5. | The sides and rear of |
| 22 | | | help identify its im- | 78 | | | buildings shall be as |
| 23 | | | portance and be | 79 | | | visually attractive as |
| 24 | | | compatible with en- | 80 | | | the front through the |
| 25 | | | trances of adjacent | 81 | | | design of roof lines, |
| 26 | | | buildings. | 82 | | | use of similar archi- |
| 27 | | 6. | Hierarchy of entranc- | 83 | | | tectural detailing, and |
| 28 | | | es through scale, de- | 84 | | | building materials. |
| 29 | | | tailing, and design | 85 | | e. | Permitted Primary Façade |
| 30 | | | features must be clear- | 86 | | | Materials. Exterior building |
| 31 | | | ly expressed. | 87 | | | materials and features for |
| 32 | | 7. | Entrances of freestand- | 88 | | | new buildings or additions: |
| 33 | | | ing buildings must be | 89 | | 1. | Examples of appropri- |
| 34 | | | located and be clearly | 90 | | | ate façade materials: |
| 35 | | | identifiable from the | 91 | | a. | Brick |
| 36 | | | adjacent street or ser- | 92 | | b. | Non-reflective |
| 37 | | | vice drive. | 93 | | | glass |
| 38 | d. | | Material/Details. Achieve a | 94 | | c. | Wood |
| 39 | | | cohesive and consistent ar- | 95 | | d. | Stucco |
| 40 | | | chitectural character in new | 96 | | e. | Decorative ar- |
| 41 | | | construction through the use | 97 | | | chitectural tile |
| 42 | | | of exterior building materials | 98 | | f. | Integrally col- |
| 43 | | | and details that are similar to | 99 | | | ored textured |
| 44 | | | or compatible with adjacent | 100 | | | concrete |
| 45 | | | buildings. | 101 | | g. | Natural or Cul- |
| 46 | | 1. | Materials must be se- | 102 | | | tured Stone |
| 47 | | | lected to adequately | 103 | | h. | Architectural |
| 48 | | | suit the type of build- | 104 | | | Block |
| 49 | | | ing and style in which | 105 | | 2. | Examples of prohibit- |
| 50 | | | it is intended to serve. | 106 | | | ed primary façade ma- |
| 51 | | 2. | Buildings must have | 107 | | | terials: |
| 52 | | | the same materials, or | 108 | | a. | Particleboard |
| 53 | | | those, which are ar- | 109 | | b. | Shingle siding |
| 54 | | | chitecturally harmo- | 110 | | | (roof applica- |
| 55 | | | nious, used for all | 111 | | | tions only), ex- |
| 56 | | | building elevations | | | | |

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| | | | |
|----|----|-------------------------|-----|
| 1 | | cept for cedar | 57 |
| 2 | | shake siding | 58 |
| 3 | c. | Wood siding, | 59 |
| 4 | | i.e., plywood | 60 |
| 5 | | paneling and | 61 |
| 6 | | T-111 | 62 |
| 7 | d. | Highly reflec- | 63 |
| 8 | | tive or glare- | 64 |
| 9 | | producing glass | 65 |
| 10 | | with a 0.25 or | 66 |
| 11 | | greater reflec- | 67 |
| 12 | | tive factor | 68 |
| 13 | e. | Industrial metal | 69 |
| 14 | | panels with or | 70 |
| 15 | | without ex- | 71 |
| 16 | | posed fasteners | 72 |
| 17 | f. | Concrete ma- | 73 |
| 18 | | sonry units | 74 |
| 19 | g. | Exposed aggre- | 75 |
| 20 | | gate pre-cast | 76 |
| 21 | | concrete | 77 |
| 22 | h. | Soft Coat Exte- | 78 |
| 23 | | rior insulation | 79 |
| 24 | | finish systems | 80 |
| 25 | i. | Metal | 81 |
| 26 | f. | Exemptions. | 82 |
| 27 | 1. | Additions to existing | 83 |
| 28 | | buildings that are | 84 |
| 29 | | presently made of the | 85 |
| 30 | | prohibited building | 86 |
| 31 | | materials must comply | 87 |
| 32 | | with the provisions of | 88 |
| 33 | | this section for the | 89 |
| 34 | | addition. The appli- | 90 |
| 35 | | cant may request an | 91 |
| 36 | | exemption to allow | 92 |
| 37 | | the addition to consist | 93 |
| 38 | | of the same material | 94 |
| 39 | | as the existing build- | 95 |
| 40 | | ing. The exemption | 96 |
| 41 | | must be approved by | 97 |
| 42 | | a 3/4 majority vote of | 98 |
| 43 | | the Architectural Re- | 99 |
| 44 | | view Board and the | 100 |
| 45 | | Plan Commission pre- | 101 |
| 46 | | sent at the respective | 102 |
| 47 | | meeting and would be | 103 |
| 48 | | subject to the Archi- | 104 |
| 49 | | tectural Review Board | 105 |
| 50 | | requiring enhance- | 106 |
| 51 | | ments to the façade, | 107 |
| 52 | | additional landscap- | 108 |
| 53 | | ing, or other means to | 109 |
| 54 | | improve the aesthetics | 110 |
| 55 | | of the building. The | 111 |
| 56 | | exemption will be | 112 |

based on examination
of the following crite-
ria:

- a. The prevailing material(s) used on buildings in the same area.
- b. Visibility. The building should be well screened. The Architectural Review Board may require the façade of the highly visible areas be improved or screened with landscaping or other means.

(2) An exemption to the prohibited materials may be obtained from the Architectural Review Board for exceptional designs.

(3) Architectural Requirements. Building materials are critical in establishing the character and aesthetic for the area. Buildings require appropriate and respectful attention in the materials selected for facades. The following uses shall be consistent with the following standards for all buildings and building complexes:

- a. Building designs shall minimize the effects of size and scale by highlighting individual dwelling units using separate entrances and integrating garages (for multi-family buildings), use of variable roof lines, door and window openings, façade protrusions or recesses, and use of porticos, overhangs, arcades, arches and outdoor patios.
- b. Accessory structures must be compatible with the primary building in terms of its character, roof shapes, building materials, colors and architectural details.
- c. Building facades must incorporate unified and compli-

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| | | |
|----|--------------------------------|-----|
| 1 | mentary finished materials, | 57 |
| 2 | and to promote longevity | 58 |
| 3 | and durability. Materials that | 59 |
| 4 | are appropriate or prohibited | 60 |
| 5 | are stated in Section (e)(1)f. | 61 |
| 6 | d. Colors shall be compatible, | 62 |
| 7 | coherent and harmonious | 63 |
| 8 | with existing materials in the | 64 |
| 9 | immediate area. Color | 65 |
| 10 | schemes shall be used con- | 66 |
| 11 | sistently throughout the | 67 |
| 12 | property, including on both | 68 |
| 13 | the upper and lower portions | 69 |
| 14 | of the buildings, and on all | 70 |
| 15 | facades of a building or | 71 |
| 16 | structure. The following pro- | 72 |
| 17 | visions must be adhered to | 73 |
| 18 | unless the review of the Plan | 74 |
| 19 | Commission states otherwise: | 75 |
| 20 | 1. Primary building fa- | 76 |
| 21 | cade colors on all four | 77 |
| 22 | sides, including build- | 78 |
| 23 | ing accents, fixtures | 79 |
| 24 | and signage, must be | 80 |
| 25 | non-reflective and | 81 |
| 26 | subtle. | 82 |
| 27 | 2. Fluorescent, day-glow | 83 |
| 28 | and/or neon colors | 84 |
| 29 | shall not be permitted. | 85 |
| 30 | 3. Colors must be select- | 86 |
| 31 | ed relative to the cho- | 87 |
| 32 | sen exterior building | 88 |
| 33 | materials since it is a | 89 |
| 34 | critical design element | 90 |
| 35 | relating to adjacent | 91 |
| 36 | buildings and to cre- | 92 |
| 37 | ate a compatible visu- | 93 |
| 38 | al environment within | 94 |
| 39 | an area. In general, | 95 |
| 40 | colors must be inte- | 96 |
| 41 | gral to a selected ma- | 97 |
| 42 | terial rather than ap- | 98 |
| 43 | plied on (painted) ex- | 99 |
| 44 | terior building materi- | 100 |
| 45 | als. | 101 |
| 46 | 4. Colors for secondary | 102 |
| 47 | facade materials shall | 103 |
| 48 | be compatible with | 104 |
| 49 | the predominant col- | 105 |
| 50 | ors, including accent | 106 |
| 51 | colors. When such | 107 |
| 52 | contrasting colors are | 108 |
| 53 | utilized, the colors | 109 |
| 54 | must not dominate the | 110 |
| 55 | visual character of the | 111 |
| 56 | setting. | 112 |

- e. Variation in architectural detail, mass and proportion of individual buildings may be used to provide visual interest where more than one building is located on a single parcel or multiple buildings, which are part of a development.
- f. Roofs are elements of buildings, which significantly affect the architectural character. The roof is vital to the overall design theme of a building since it is related to its mass, scale, form, and proportion.
 - 1. For all visible roofs, roofing materials and construction must be high quality, such as but not limited to, standing-seam metal, slate, cedar, or architectural shingles. Roofing materials and shape must be compatible with the architectural style of the building and with surrounding buildings and roofs.
- g. Corner Lot Buildings. Building on large corner lots have a tendency to create the appearance of a single massive building in conflict with the goals of (f)(1)(a) Massing/Scale. The building shall:
 - 1. Incorporate design factors in the building footprint to step back or change the angle of the building to reduce the appearance of a long wall and
 - 2. Incorporate architectural features in that portion of the building to create the appearance of a different building.
- h. Service and Utility Areas. Buildings require mechanical equipment and service areas,

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1 which are normally unsightly 57
 2 and noisy. These areas in- 58
 3 clude, but are not limited to, 59
 4 loading docks, exterior stor- 60
 5 age areas, dumpsters and 61
 6 mechanical equipment such 62
 7 as plumbing vent stacks, 63
 8 transformers, fans and cool- 64
 9 ing towers. The following 65
 10 standards address the treat- 66
 11 ment of service and utility 67
 12 areas in order to reduce the 68
 13 negative visual impact of 69
 14 such areas: 70
 15 1. All service and utility 71
 16 areas shall be located 72
 17 away from the street 73
 18 and concealed from 74
 19 building entrances, 75
 20 pedestrian areas, and 76
 21 adjacent residential 77
 22 buildings. 78
 23 2. Service areas and re- 79
 24 lated mechanical 80
 25 equipment shall be 81
 26 screened (100%) with 82
 27 materials to match the 83
 28 primary exterior mate- 84
 29 rials. Trash com- 85
 30 pactors and dumpsters 86
 31 shall be located adja- 87
 32 cent to truck loading 88
 33 areas and screened 89
 34 hundred percent 90
 35 (100%) with the pri- 91
 36 mary exterior materi- 92
 37 als. 93
 38 3. Where dumpsters are 94
 39 not fully screened by 95
 40 the overall building 96
 41 envelope, the follow- 97
 42 ing standards must be 98
 43 applied: 99
 44 a. Dumpsters 100
 45 must be 101
 46 screened on all 102
 47 sides. 103
 48 b. Dumpster en- 104
 49 closures must 105
 50 be compatible 106
 51 in design with 107
 52 the architectural 108
 53 style of the 109
 54 primary build- 110
 55 ing in terms of 111
 56 its scale, exte- 112

rior materials
 used and color.
 c. Dumpster en-
 closures must
 not violate the
 building set-
 back and park-
 ing require-
 ments of the
 zoning district
 in which the
 enclosure is lo-
 cated.
 4. All above grade utility
 connections, vents,
 and other projections
 must be located along
 exterior walls away
 from high visibility ar-
 eas, such as front fa-
 cades or pedestrian
 areas. These vents al-
 so include, but are not
 limited to, air condi-
 tioning units, air ex-
 changers and under-
 ground utility vaults.
 5. Rooftop mechanical
 equipment shall not
 be mounted on build-
 ings unless the roof
 parapet (cornice)
 screens such equip-
 ment 100% from pub-
 lic view, as measured
 from grade elevation,
 from a minimum dis-
 tance of 500 feet from
 the building.
 a. The roof para-
 pet shall be in-
 tegrated as part
 of the build-
 ing's overall
 design.
 b. Each plan (in-
 cluding re-
 modeling exist-
 ing buildings)
 must be re-
 viewed indi-
 vidualy based
 on location,
 finished grade
 elevation and
 the surround-

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ing terrain to
determine the
view of rooftop
mechanical
equipment.

- i. Building vistas. All buildings, or groupings or nodes of buildings and structures, shall be designed to be sensitive to existing views, or view corridors, and the contexts of the surrounding natural and built environment.

(g) Amendments.

The Village Plan Commission or Architectural Review Board may adopt and amend, from time to time, as appropriate and to be consistent with the contents of this section, the written design guidelines and design manual of the Village of Sister Bay Architectural Standards.

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SEC. 66.1060 LANDSCAPING

SEC. 66.1060 LANDSCAPING

Sec. 66.1060 Landscaping

The Plan Commission shall review landscaping plans for all new structures, uses and changes or additions to existing structures and uses in all zoning districts except for single-family homes in the CS-1, R-1, R-3 and R-4 districts. Landscape standards are established to ensure that landscaping becomes an integral part of development in the business and residential districts. When buildings or parking lots are extended, these regulations shall apply to the extended portion of the building or parking lot. Location of landscape areas, plant materials, and protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Plan Commission. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. (Amended Ordinance 159-120809)

(a) Street tree plantings in right-of-way.

All projects, developments and subdivisions shall provide street trees planted every 35 feet along the right-of-way. The trees shall be of a species suitable for the location. This provision may be waived by the Plan Commission if in its opinion the parcel or lot is already wooded.

(b) Parking Lot Screening.

Those parking areas for four or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the Plan Commission. Such fence or berm and landscaping together shall be an average of three feet in height between the parking and the street right-of-way and six feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers and large equipment.

(1) At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.

(2) At least 25% of the total green space area shall be landscaped uti-

lizing plant materials, other than maintained turf, that contributes to ground coverage. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

| Area of Coverage |
|-------------------------------------|
| Plant Type Provided |
| Evergreen Tree (>8' Dia. 75 sq. ft. |
| Large Shrub (6-8' Dia. 38 sq. ft. |
| Medium Shrub (4-6' Dia. 20 sq. ft. |
| Small Shrub (2-4' Dia. 12 sq. ft. |
| Perennial (4.5" Pot 6 sq. ft. |

*Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

(3) To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of minimum 25% evergreens, but no more than 70%.

(c) Interior landscape area.

All public off-street parking lots, which serve five vehicles or more and are created or extended after November 13, 2004, shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking areas. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping. For parking lots designed for 25 parking spaces or more, interior parking lot landscaping shall be provided at the following rates:

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Percentage of Parking Lot to be Covered by Interior Plantings

| Total paved area of lot | Percent of total paved area which must be interior planting area |
|--------------------------|--|
| 0-49,999 sq. ft. | 5% |
| 50,000 sq. ft. or larger | 10% |

1

2 (d)

Perimeter landscape area.

3

In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum five feet in width. A minimum of one tree and five shrubs are required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.

12 (e)

Landscaping adjacent to buildings.

There shall be at least a three-foot landscape area provided between the edge of pavement and the entrance elevation of the building. In the B-3 district, the front yard setback area shall be landscaped.

18 (f)

Screening of trash.

Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.

24 (g)

Screening of ground mounted mechanical equipment.

Ground mounted mechanical equipment shall not be located within the front or street yard, shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.

32 (h)

Screening of roof mounted mechanical equipment.

Roof mounted mechanical equipment shall be screened from casual view.

36 (i)

Retaining walls.

No retaining wall shall exceed four feet in height unless it has been designed and its construction supervised by a Professional Engineer or registered landscape architect. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four feet in height. A four-foot high retaining wall shall be set back a minimum of three feet from the previous step. Retaining walls less than four feet tall shall be stepped back at least the same distance as the wall's height. Acceptable ma-

terials for retaining walls are: segmental masonry type, timber, railroad ties or concrete. If the retaining wall is constructed of concrete, landscaping must accompany the design of the retaining wall.

(j)

Berms.

Side slopes of berms shall not exceed a gradient of one foot vertical to three foot horizontal unless approved by the Village Engineer.

(k)

Buffer yards.

Appropriate buffers shall be provided between dissimilar uses as set forth in section 66.0303(d) [See page 6] of the Municipal Code.

(l)

Submittal requirements.

A landscape plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:

- (1) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and common names of all landscape materials used.
- (2) The location and type of existing trees over four inches in diameter (measured six inches above the ground) within the area to be developed.
- (3) The location and percent of slope of all proposed berms using one-foot contours.
- (4) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
- (5) The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1060 LANDSCAPING

SEC. 66.1060 LANDSCAPING

- (m) Modification of standards.
The Plan Commission may modify any of the above standards by a 3/4-majority vote of the Commissioners, but only if supplemental design elements or improvements are incorporated into the project, which compensate for the modification of the particular standard.
- (n) Compliance.
Landscaping shall be completed within 12 months of a certificate of occupancy in accordance with the approved landscaping and site plan. All landscaped and open space areas shall be continually maintained in accordance with the approved landscaping and site plan. It is the responsibility of the owner to ensure that the premises are properly maintained. Mature vegetative screens shall be maintained by the property owner to retain the required spacing and height characteristics. However, trees may be thinned provided an opaque screening is still maintained.

Sec. 66.1065 Utilities in Rights of Way

The Village finds compelling public interest in protecting the public health, safety and welfare of its residents and properties in ensuring that all utilities are buried or located so as to mitigate damage to nearby buildings, structures, vehicles, as well as to reduce risks posed by storms which threaten service interruption, traffic disruption, and unsafe street conditions by being located in the Village Right of Way, regardless of any utility easement located thereon.

No Public or Private Utility or other person may locate any pole, tower, or other equipment on the Village Right of Way without first seeking a permit from the Village of Sister Bay Zoning Administrator. Location of Public Utilities shall be restricted under the police powers reserved by the Village.

(a) Poles placed after April 1, 2016:

All Utility Poles located in the Village Right of Way require a permit, for which a fee of \$50 shall apply for each pole. Poles must not exceed a height of 35 feet.

Poles exceeding 35 feet may be allowed by conditional use permit. Plan Commission must hold a public hearing for each proposed pole, with a Class II notice being inserted into the paper of record. All property owners within 1000 feet shall also be mailed notice of the proposed condi-

tional use. The conditional use must be approved with a 3/4 vote of the Plan Commission.

To be considered for a conditional use permit, Poles exceeding 35 feet in height must have a setback of twice their height from any driveway, fire hydrant, building or structure, mailbox, flowerbed, flagpole, public or private parking space, public or private parking lot, drainage culvert, or catch basin.

The requester of the conditional use permit must submit plans and specifications indicating to the satisfaction of the Village's engineers that the proposed pole can manage the load of wires, equipment, or attachments proposed. No pole shall be granted approval until after a review and approval by the Village's engineers. No review of a permit will begin until the requester has submitted all required documentation, and paid a plan review fee of \$250.00, a Conditional Use Application fee of \$400.00 plus a deposit of \$5000.00 to cover the cost of engineering review.

No poles are permitted in the area depicted on TID No. 1's boundary area. No poles are allowed on any public or private streets created and initially improved after April 1, 2016.

The Village shall charge an inventory and safety inspection fee of \$5.00 on every pole within its incorporated boundaries in order to ensure their safety, and to ensure that no non-permitted poles are located in the Village Right of Way. This inspection will occur in even numbered years, and companies shall be invoiced for the inspection at their office of record. Poles will be marked with a nailed metal placard with the Village's markings to ensure that no new poles are installed without a permit (Amended June 21, 2016).

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1

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1500 PLAN COMMISSION

SEC. 66.1510 ZONING ADMINISTRATOR DESIGNATED

SECTION 1500 - ADMINISTRATION

Sec. 66.1500 Plan Commission

(a) Composition.

The Village Plan Commission shall consist of the President, who shall be its presiding officer, one (1) Trustee who shall be chosen by the President at the first meeting in May of each year, five (5) citizens of recognized experience and qualifications. The citizen members of the Plan Commission shall be appointed by the President, subject to confirmation by the Board of Trustees, for staggered terms of three (3) years commencing on May 1st of each year. (Amended Ordinance 111-051005)

(b) Powers and Duties.

The Plan Commission shall perform such duties as are prescribed by Section 62.23, Wisconsin Statutes, and has such further powers as may be delegated to it by the Wisconsin Statutes and Village ordinances. The Plan Commission shall have the duties of making reports and recommendations related to the planning and development of the Village to public officials, agencies, public utility companies, civic, educational, and professional and other organizations, and citizens. The Plan Commission may employ consultants, to the extent that the Village budget allows, who may prepare surveys and studies, prepare plans and recommendations, and perform other duties assigned by the Plan Commission. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

Sec. 66.1505 Public Information

To the fullest extent possible, the Plan Commission and Zoning Administrator shall make available to the public, all reports and documents concerning the Village Comprehensive Plan and any component thereof. In addition:

- (a) All available information in the form of reports, bulletins, maps and engineering data shall be readily available and widely distributed.
- (b) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the 100-year recurrence interval floodplain at appropriate locations within the floodplain.

- (c) Where useful, wetland boundaries may be staked in the field and said boundaries may be identified on a plat of survey.
- (d) Information regarding the location of flood lands and wetlands shall be provided to realtors, lenders, and the public. All legal descriptions of property containing flood lands or wetlands should include information designating the flood land or wetland areas when property is transferred.
- (e) Fees necessary to recover the costs of providing information to the public may be established by the Village.

Sec. 66.1510 Zoning Administrator Designated

The Village Zoning Administrator, or designee, is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The duty of the Zoning Administrator, or designee, shall be to interpret and administer this chapter and to:

- (a) Maintain permanent and current records of all approvals and other actions, including, but not limited to, all maps, zoning ordinance amendments, zoning permits, conditional use permits, planned unit development approvals, temporary use approvals, sign permits, site plans, certificates of compliance, variances, appeals, interpretations, and applications therefore.
- (b) Determine that all zoning permit applications and their constituent plans, certificate of occupancy applications, sign permit applications and their constituent plans, and site plans comply with all the provisions of this chapter.
- (c) Make interpretations regarding the provisions of this chapter.
- (d) Receive, file and forward (to the appropriate person, committee or agency) all applications for any permit or procedure provided for in this chapter.
- (e) Inspect all structures, lands and waters as often as necessary, to assure compliance with this chapter.
- (f) Issue permits as required by this chapter.
- (g) Record the lowest floor elevations of all structures erected, moved, altered or improved in the flood land districts.
- (h) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1520 DEVELOPMENT AGREEMENT REQUIRED.

SEC. 66.1525 TERMS OF DEVELOPMENT AGREEMENT.

- (i) Is permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by the Zoning Administrator to ensure compliance with this chapter. If, however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with section 66.122 of the Wisconsin Statutes.
- (j) Prohibit the use or erection of any structure until he/she has inspected and approved such use or erection.
- (k) Institute, in the name of the Village, any appropriate action or proceeding against a chapter violator, as provided by law.
- (l) Request Assistance and cooperation from the Door County Sheriff's Department and Village Attorney as deemed necessary.
- (m) Attend all meetings of the Plan Commission and the Village Zoning Board of Appeals.

Sec. 66.1520 Development Agreement Required.

(Amended Ordinance 137-021208)

- (a) The Applicant shall enter into a Development Agreement with the Village at the time of submission of an application for a Zoning Permit for all projects and developments listed below:
- (1) All new construction other than individual single-family homes, which are not part of an active subdivision.
- (2) All projects that require a conditional use permit.
- (3) Commercial projects in existing buildings involving a change of use or occupancy where the building is non-conforming for setback, height or parking.
- (b) Applicants shall agree to reimburse the Village for all costs incurred by the Village for engineering, inspection, planning, legal and administrative expenses in:
- (1) Processing, reviewing, revising, and approving conceptual, preliminary or final development plans, including meeting time, regardless of whether the developer attended or participated in the meeting;
- (2) Processing, reviewing, revising, drafting and approving any agreements, easements, deed restrictions or other documents associated with the proposed use; and,

- (3) Inspection and approval of construction and installation of all improvements provided for in the development, including but not limited to, consultation reasonably required to address issues and problems encountered during the course of design and construction of the development. Such costs shall include the costs of Village consultants, including engineers, attorneys, inspectors, planners, ecologists, agents, sub-contractors and the Village's own employees. Such costs shall also include those for attendance at meetings. The cost for outside services shall be the direct costs incurred by the Village. The cost for Village employees' time shall be based upon the classification of the employee and the rates established by the Village Board, from time to time, for each such classification.

- (c) At the time of filing of the application, the Applicant shall deposit with the Village Treasurer the sum of Two Thousand Dollars (\$2,000.00) in the form of cash. The Village shall apply such funds toward payment of the above costs. If at any time the deposit becomes insufficient to pay expenses incurred by the Village for the above costs, the Applicant shall deposit required additional amounts within fifteen (15) days of written demand by the Village Administrator. Until the required funds are received, no additional work or review will be performed by the Village as to the plan under consideration. Within 60 days after any final action by the Village and execution of any documents by all parties, or upon abandonment of the plan, the Village shall furnish the Applicant with a statement of all such costs incurred by it with respect to such plan. Any excess funds shall be remitted to Applicant, and any costs in excess of such deposit shall be paid by the Applicant. Any interest earned on the deposit shall re-main the property of the Village to partially offset administrative expenses associated with planning and development.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1525 TERMS OF DEVELOPMENT AGREEMENT.

SEC. 66.1530 ZONING PERMIT REQUIRED

Sec. 66.1525 Terms of Development Agreement.

The Development Agreement shall also include the following terms and conditions: (Amended Ordinance 137-021208)

(a) The site plan, grading plan, lighting plan, stormwater management plan, landscaping plan, building architectural plans, phasing plan and such other requirements as established by the Plan Commission.

(b) Any necessary streets and appurtenances thereto, shall be constructed at the expense of the Applicant in accordance with the provisions of Chapter 54 of the Code of Ordinances, which are in effect at the time of such construction.

(c) Sanitary and water mains and laterals, and storm water drainage facilities, and any related off-site improvements shall be paid for, constructed and installed by Applicant as required by the Village, the provisions of Chapter 62 of the Code of Ordinances at applicant's expense.

(d) Assignment of landscape maintenance responsibilities to the owner(s) of the property in accordance with the submitted landscape plan and the ability of the Village to conduct such work and charge all costs incurred by the Village as a special charge against the real estate upon owner's failure to maintain.

(e) Applicant shall agree to indemnify and hold the Village and its agents harmless from and against claims related to the performance of work at or for the site.

(f) Applicant's principals shall be personally responsible for reimbursement of costs to the Village in the event the Applicant does not proceed with the actual installation as approved by the Village.

(g) Applicant shall be responsible for payment of the Village's costs, disbursements and attorney's fees in the event the Village brings legal action to enforce compliance with this agreement and a final determination is made in favor of the Village.

(h) The terms and conditions of the agreement shall extend to the heirs, administrators, successors in title and assigns of the applicant, including personal liability. However, Applicant may not assign its rights, duties and responsibilities under this Agreement to any other third party without first obtaining the prior written consent of the Village.

(i) The Applicant shall convey all necessary easements to the Village.

(j) As a condition precedent to the execution of the Development Agreement, the Applicant shall post a cash deposit or file a letter of credit with the Village guaranteeing compliance with the Village Ordinances and provisions of the Development Agreement. The security shall be such amount as to cover 100% of the estimated costs of storm water drainage, lot grading, landscaping, and any street construction work as provided for under the Development Agreement. The estimated costs shall be provided by the Applicant or his engineer and shall be subject to the approval of the Village.

(k) Other terms that the Village and Applicant shall deem appropriate.

Sec. 66.1530 Zoning Permit Required

All zoning permits for new construction, reconstruction and remodeling are issued under the condition that such construction shall comply with all applicable state and federal standards and local building codes. No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his/her agent has secured a zoning permit, if required, from the Zoning Administrator, or his/her designee, unless otherwise exempted pursuant to section 66.0501 [See page 92] of this chapter. Applications for zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

(a) Name and address.

Name and addresses of the applicant, owner of the site, architect, professional engineer and contractor.

(b) Lot description.

Description of the subject site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(c) Plat of survey.

Plat of survey prepared by a registered land surveyor showing the following information:

- (1) Location of the lot referenced to the U.S. Public Land Survey.
- (2) North arrow and graphic scale.
- (3) Dimensions of the lot.

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SEC. 66.1530 ZONING PERMIT REQUIRED

SEC. 66.1530 ZONING PERMIT REQUIRED

- | | | | | | |
|----|------|---|-----|------|---|
| 1 | (4) | Street names of abutting streets and | 57 | (18) | The extent and elevation of flood- |
| 2 | | the name of the nearest intersecting | 58 | | plains and wetlands on the lot and |
| 3 | | street. | 59 | | within 40 feet of the lot. |
| 4 | (5) | The distance from the corner of the | 60 | (19) | Location of hydrants, streetlights |
| 5 | | lot to the nearest intersecting street. | 61 | | and street trees. |
| 6 | (6) | The widths of abutting streets, side- | 62 | (20) | If the property is in an area with a |
| 7 | | walks and alleys. | 63 | | master grading plan, the existing |
| 8 | (7) | Location of easements; their pur- | 64 | | and proposed grades of all corners |
| 9 | | pose and their width. | 65 | | of the lot and the grade of the struc- |
| 10 | (8) | Location and dimensions of all | 66 | | ture controlled by such master |
| 11 | | structures on the lot, both existing | 67 | | drainage plan. |
| 12 | | and proposed. | 68 | (21) | The seal and signature of the sur- |
| 13 | (9) | Existing lot grade and street grade, | 69 | | veyor. |
| 14 | | referenced to Village of Sister Bay | 70 | (d) | <u>Compliance with building codes.</u> |
| 15 | | datum. | 71 | | All construction and remodeling activity |
| 16 | (10) | Proposed lot grades and structure | 72 | | that requires building permits and inspec- |
| 17 | | grades, referenced to Village of Sis- | 73 | | tion shall comply with the Village and |
| 18 | | ter Bay datum. | 74 | | State building codes. All utilities including |
| 19 | (11) | A pre-construction grade elevation | 75 | | electric, telephone, cable television, water |
| 20 | | shall be submitted for all principal | 76 | | and sanitary sewers shall be buried for all |
| 21 | | buildings and structures. Existing el- | 77 | | new structures. Utilities shall also be bur- |
| 22 | | elevations, obtained by field observa- | 78 | | ied for remodeling projects where the val- |
| 23 | | tion, shall be provided to adequately | 79 | | ue of the project is in excess of 50% of the |
| 24 | | portray drainage patterns on and | 80 | | equalized value. (Amended Ordinance |
| 25 | | adjacent to the parcel for which the | 81 | | 134-121107) |
| 26 | | grading plan is submitted. Such ex- | 82 | (e) | <u>Setback and footing inspection and permit.</u> |
| 27 | | isting elevations shall include, at a | 83 | | The owner, tenant, contractor or agent |
| 28 | | minimum, a sufficiently tight grid | 84 | | shall notify the Zoning Administrator in |
| 29 | | pattern of elevations, existing grades | 85 | | writing or on forms provided by the Zoning |
| 30 | | at lot corners, at grade breaks, adja- | 86 | | Administrator 48 hours (excluding Satur- |
| 31 | | cent top of curbs, ground elevations | 87 | | days, Sundays and legal holidays) prior to |
| 32 | | at on-site and adjacent structure | 88 | | the pouring of footings so that the Zoning |
| 33 | | foundations, elevations at least 25 | 89 | | Administrator may inspect the location of |
| 34 | | feet outside the parcel alongside | 90 | | the footings for compliance with the set- |
| 35 | | and rear lot lines, ditch flow lines | 91 | | back provisions of this chapter and zoning |
| 36 | | and culverts where applicable, and | 92 | | permit. No footings shall be poured or oth- |
| 37 | | all storm runoff receiving structures | 93 | | erwise made permanent until such inspec- |
| 38 | | and drainage ways. In addition, | 94 | | tion and approval of the footings for com- |
| 39 | | cross-sections of the principal build- | 95 | | pliance with this chapter has been given by |
| 40 | | ing or structure shall be submitted | 96 | | the Zoning Administrator. The Zoning Ad- |
| 41 | | indicating the preconstruction grade | 97 | | ministrators shall conduct the setback and |
| 42 | | elevation, and the highest and low- | 98 | | footing inspection within 48 hours of being |
| 43 | | est finished grade elevations. | 99 | | notified. However, if it is shown for good |
| 44 | | (Amended Ordinance 164-120809) | 100 | | cause that the inspection cannot be made |
| 45 | (12) | Setbacks of structures on adjacent | 101 | | within the 48 hours, the inspection may be |
| 46 | | lots. | 102 | | delayed by the Zoning Administrator an |
| 47 | (13) | Existing and proposed driveway lo- | 103 | | additional 48 hours (excluding Saturdays, |
| 48 | | cations and widths. | 104 | | Sundays and legal holidays) upon verbal or |
| 49 | (14) | Existing and proposed street and | 105 | | written notification of the owner, tenant, |
| 50 | | highway access restrictions. | 106 | | contractor or agent by the Zoning Adminis- |
| 51 | (15) | Location of existing and proposed | 107 | | trator. Failure to provide the required no- |
| 52 | | parking and loading areas. | 108 | | tice to the Zoning Administrator or pouring |
| 53 | (16) | Type of monument at each corner | 109 | | of footings or otherwise making them per- |
| 54 | | of the lot. | 110 | | manent without the approval of the Zoning |
| 55 | (17) | Watercourses or existing drainage | 111 | | Administrator shall result in an immediate |
| 56 | | ditches. | | | |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1530 ZONING PERMIT REQUIRED

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penalty of \$500.00 in addition to the provisions of section 66.1550. [See page 159]

(f) Waiver of some requirements.
In the sole discretion of the Zoning Administrator he/she may waive the requirements for certain plans, specification, data, or the plat of survey when the application is to execute minor alterations or repairs to a building or structure, provided that the proposed construction, alteration, or repair is sufficiently described in the application for the permit.

(g) Proposed sewage disposal plan if municipal sewerage service is not available.
This plan shall include a copy of the permit issued by the appropriate regulatory agency for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.

(h) Proposed water supply plans if municipal water service is not available.
This plan shall be in accordance with chapter NR 112 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.

(i) Condominium declaration.
Any developer of land in the Village who elects to create a condominium pursuant to chapter 703 of the Wisconsin Statutes shall submit a copy of the Condominium Declaration, and any amendment thereto, to the Zoning Administrator to be attached to the file copy of the Zoning Permit application.

(j) Estimate of the cost of completing the site plan improvements including, but not limited to, landscaping, paving, drainage facilities, sign installation, and lighting.

(k) Environmental Assessment.
The developer shall provide an evaluation of the site for wetlands, woodlands, ridges or swales, natural landforms or other natural areas if so directed by the Zoning Administrator.

(l) Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator, Wastewater Superintendent, or Fire Inspector.

(m) No zoning permit shall be issued for the erection or construction of any building or structure on platted or unplatted land along a public or private street with roadside ditches, unless the owner or agent has arranged, with the Village Engineer, for the

installation of a culvert of such size and length to preserve the capacity and grade of any drainage ditch laid alongside the public street or public service drive abutting the property. The Village shall determine the size and length of the culvert required, but in no case shall the culvert be less than 12 inches in diameter and 20 feet in length.

(n) No zoning permit shall be issued until the Village has investigated the fact that all outstanding connection and development fees and special assessments levied against the property have been fully paid or an agreement for payment to the Village by the property owner has been executed.

(o) Zoning permit for use expiration.
Regular zoning permits to establish a use shall expire 24 months from the date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this chapter.

(p) Zoning permit for construction expiration.
Regular zoning permits for construction of a structure shall expire 24 months from the date of issuance or at the same time as the building permit. Any exterior construction after the expiration of a zoning permit shall be considered a violation of this chapter.

(q) A zoning permit shall be granted or denied in writing by the Zoning Administrator or designee.

(r) Grading Plan Review.
A grading plan is an important element in preventing property damage, flooding and view vistas. A grading plan takes into account the existing topography of the development and its relationship with adjacent properties. Proper grading avoids the need for retaining walls, storm drainage systems, swales on the development and adjacent properties. (Amended Ordinance 164-120809)

(1) Building construction projects that have less than a two-foot change in elevation between the preconstruction grade and finished grade are not required to have engineering review of the grading plan.

(2) Building construction projects that are not otherwise exempt shall have a grading plan prepared by a qualified professional engineer. The proposed project shall comply with the Village's Grading Standards as de-

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SEC. 66.1531 ZONING PERMIT NOT REQUIRED

SEC. 66.1535 CONDITIONAL USE PERMIT

veloped by the Village Engineer. A zoning permit shall not be issued for a project requiring a grading plan until it is approved by the Village Engineer.

Sec. 66.1531 Zoning Permit Not Required

No zoning permit shall be required for any of the following activities; provided that any work that does qualify for an exemption under this section shall be required to comply with the applicable setback, height, and other requirements set forth in this chapter:

- (a) Accessory structures shall require a regular zoning permit except: minor structures such as birdhouses, yard light poles, bird-baths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, children's play apparatus, home heating oil storage tanks, clothesline poles, lawn ornaments, flag poles, mailboxes, garbage containers and ice fishing shanties. Accessory buildings greater than 120 square feet in area shall also require the issuance of a building permit. (Amended Ordinance 120-061306)
- (b) For repairs that do not alter the size or position of an existing structure on a lot. (Amended Ordinance 120-061306)

Sec. 66.1532 Certificates of Occupancy and Compliance Required

- (a) Certificate of occupancy.
No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or create a change in use; and no non-conforming use shall be changed, or extended until a certificate of occupancy has been issued by the Zoning Administrator or designee. Such certificate shall show that the building, premises or part thereof complies with the provisions of this chapter. Such certificate shall be applied for prior to the time of occupancy of any land and/or building.
- (b) Certificate of compliance.
No building located in a business district and used for business purposes shall have the use changed without the issuance of a new certificate of compliance by the Zoning Administrator or designee. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of the Zoning Code, Building Code, Electrical Code, Fire Prevention

Code and the Plumbing Code of the Village and State of Wisconsin. Application for a certificate of compliance shall be made in the same manner as for a zoning permit pursuant to section 66.1530 [See page 153] of this chapter.

Sec. 66.1535 Conditional Use Permit

Note: This section was amended in its entirety by Ordinance 173-081010)

The Village Board may authorize the Zoning Administrator to issue a conditional use permit for a conditional use after a review and recommendation by the Plan Commission. The request for a permit for a conditional use shall be filed with the Zoning Administrator on an official application form and shall be accompanied by the required fee and detailed written and graphic materials fully explaining the proposed development. The applicant shall explain in writing why a conditional use permit should be issued addressing the criteria in subsection (i) below. A public hearing shall be conducted by the Plan Commission.

- (a) Applicant.
Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
- (b) Project Description.
Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
- (c) Plat of Survey.
Plat of survey prepared by a registered land surveyor showing all of the information required under section 66.1530(c) for a zoning permit and, in addition, the ordinary high water mark, and existing and proposed landscaping.
- (d) Additional Information Required.
Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator, Utility Manager or Fire Inspector.
- (e) Conditional Uses Will be Reviewed as to Intent.
A conditional use is development, which would not generally be appropriate within a district, but might be allowed in certain locations within the district, if specific requirements are met. The compatibility must be judged on the basis of the particu-

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lar circumstances and may require the imposing of conditions before the use, development or occupancy is permitted. The intent is to allow a reasonable degree of discretion to the Plan Commission in determining the suitability of a particular use or development at a specific location.

(f) Plan Commission Action.

The Plan Commission is empowered to recommend a development agreement for a conditional use if the following requirements are met. Uses, which require such a permit, are identified in the respective district regulations. The Plan Commission may make such recommendation as it deems appropriate regarding approval of the request. The Board of Trustees shall approve or deny all conditional use permits and related development agreements as submitted.

(g) Conditions.

Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, setbacks and yards, sewerage disposal, water supply, storm water management and parking requirements may be required by the Village Plan Commission upon its finding that such conditions are necessary to fulfill the purposes and intent of this chapter.

(h) Issuance and Safeguards.

If a development agreement is required, the permit for a conditional use shall be part of the development agreement, and shall be attached thereto. In recommending any conditional use, the Plan Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. The Plan Commission may request that the Village be provided with either a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to issuance of the conditional use permit. The security shall be used to guarantee compliance with the conditions of the permit and shall be returned to the developer when an occupancy permit is issued.

(i) Decision Criteria.

In making a determination on an application for a conditional use, the Plan Commission shall consider all relevant factors specified in other sections of this chapter

including standards for specific requirements for certain land uses and activities. The Plan Commission shall consider the following criteria:

(1) Compatibility.

The compatibility of the proposed use with existing development within 300 feet of the proposed use and within 500 feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions, which would make the use more compatible. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

(2) Consistency with the Comprehensive Plan.

The relationship of the proposed use to the objectives of the Village of Sister Bay comprehensive plan. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(3) Importance of Services to the Community.

The importance of the services provided by the proposed use to the community, if any, and the requirements of the use for certain locations, if any, and without undue inconvenience to the developer and the availability of alternative locations equally suitable.

(4) Neighborhood Protections.

The sufficiency of the terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the surrounding area.

(5) Conformance with other Requirements of the Chapter.

The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Plan

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SEC. 66.1535 CONDITIONAL USE PERMIT

SEC. 66.1535 CONDITIONAL USE PERMIT

1 Commission shall find that there is a
2 public necessity for the conditional
3 use.

4 (j) Other Factors.

5 Other factors pertinent to the proposed
6 use, site conditions or surrounding area
7 considerations, which the Plan Commis-
8 sion feels, are necessary for review in order
9 to make an informed and just decision.

10 (k) Public Hearing.

11 Whenever a conditional use permit is re-
12 quested and the required public hearing is
13 scheduled and noticed by the Village as a
14 Class 2 notice, the Village shall give no-
15 tice, by regular mail, of the proposed con-
16 ditional use to all property owners whose
17 property lies within 300 feet measured in a
18 straight line from the exterior boundary of
19 the property subject to the proposed condi-
20 tional use permit. The notice shall be
21 mailed at least ten days prior to the hear-
22 ing; however, failure of a neighboring
23 property owner to receive such mailed no-
24 tice shall not invalidate a public hearing. If
25 action is delayed more than 120 days from
26 the date of public hearing, a new public
27 hearing shall take place. In addition to the
28 notification requirements listed above, ap-
29 plicant shall post signage visible to every
30 facing street at least ten days prior to the
31 hearing. The signage shall identify the
32 property as being the subject of a public
33 hearing and identify the appropriate Vil-
34 lage office that may be contacted for in-
35 formation.

36 (l) Resubmissions.

37 A conditional use permit application that
38 has been heard and denied shall be eligi-
39 ble to be resubmitted only if the applicant
40 submits an affidavit to the Plan Commis-
41 sion identifying how the new application
42 materially differs from the previous appli-
43 cation or identifying substantial new evi-
44 dence that will be offered. The Plan Com-
45 mission shall review the affidavit and then
46 vote by simple majority of the members
47 present on the question of whether the
48 changes or new evidence would be of such
49 significance that the Plan Commission may
50 consider changing the previous decision. If
51 the resubmission is accepted, the Plan
52 Commission shall schedule a hearing on
53 the entire resubmitted application. If the
54 Plan Commission rejects the resubmitted
55 application, a new application shall not be
56 submitted during the following 12 months.

57 (m) Notice to DNR.

58 The Plan Commission shall transmit a copy
59 of each application for a wetland condi-
60 tional use in the W-1 district to the Wis-
61 consin Department of Natural Resources
62 (DNR) by certified mail at least ten days
63 prior to the public hearing. Final action on
64 the application by the Village Board shall
65 not be taken for 30 days from the date the
66 DNR receives notice of public hearing by
67 certified mail or until the DNR has made
68 its recommendation, whichever comes
69 first. A copy of all wetland conditional use
70 decisions shall be transmitted to the DNR
71 within ten days following the decision.

72 (n) Conditional Use for Use Expiration.

73 Conditional use permits to establish a use
74 shall expire 12 months from the date of is-
75 suance if no action has commenced to es-
76 tablish the use, unless a different time is es-
77 tablished as a condition of granting the
78 conditional use permit. Any change of land
79 use after the expiration of a conditional use
80 permit shall be considered a violation of
81 this chapter.

82 (o) Conditional Use for Construction Expira-
83 tion

84 Conditional use permits for construction of
85 a structure shall expire 12 months from the
86 date of issuance, unless a different time pe-
87 riod is established as a condition of grant-
88 ing the conditional use permit. Any exteri-
89 or construction after the expiration of a
90 conditional use permit shall be considered
91 a violation of this chapter and shall warrant
92 consideration for revocation of the Condi-
93 tional Use permit in accordance with sec-
94 tion 66.1535(l) of this chapter.

95 (p) Amendments.

96 Changes subsequent to the initial issuance
97 of a conditional use permit, which would
98 substantially affect the conditions listed in
99 section 66.1535(e) of this chapter, shall re-
100 quire an amendment to the conditional use
101 permit. The process for amending a permit
102 shall generally follow the same procedures
103 as those required for granting a conditional
104 use permit as set forth in this section.

105 (q) Revocation of Conditional Use Permit.

106 Should a permit applicant, his/her heirs or
107 assigns, fail to comply with the conditions
108 of the permit issued by the Zoning Admin-
109 istrator or should the use or characteristics
110 of the use be changed without prior ap-
111 proval by the Village Board, the Condi-
112 tional Use Permit may be revoked. The

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SEC. 66.1540 OTHER PERMITS

SEC. 66.1575 RENEWAL OF PERMITS

process for revoking a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section.

(r) Existing Conditional Uses.

All uses existing on the effective date of this chapter, which would be classified as conditional uses in the particular districts concerned, if they were to be established after the effective date of this chapter, are hereby declared conforming conditional uses. Any proposed change or expansion, including signage and parking, of the existing operation shall be subject to the conditional use procedures and regulations in this section, as if such use was being newly established.

Sec. 66.1540 Other Permits

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or county agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes, a water quality certification pursuant to Chapter NR 103 of the Wisconsin Administrative Code, or a wetland fill permit pursuant to section 404 of the Federal Water Pollution Act.

Sec. 66.1545 Permit Fees

All persons, firms, or corporations performing work, which by this chapter requires the issuance of a permit, shall pay a fee for such permit to the Village Clerk to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the Building Permit, Certificate of Occupancy, Conditional Use Permit and Sign Permit. A fee shall also be required for a zoning text or map amendment, and zoning appeal or variance. The fees shall be set forth in the Municipal Code of the Village, or by resolution as amended from time to time.

Sec. 66.1550 Violations

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin or abate a violation of this chapter.

Sec. 66.1560 Remedial Action

Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Village Board, the Plan Commission, the Zoning Administrator, or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water; and to cause to remove such structure or use.

Sec. 66.1570 Penalties

Penalties for violation of the provisions of this chapter shall be in accordance with the provisions of the Municipal Code.

Sec. 66.1575 Renewal of Permits

If construction has commenced prior to the expiration of a regular zoning permit, but is not completed prior to such expiration, a 12-month renewal regular zoning permit shall be issued by the zoning administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the zoning administrator upon a finding that substantial progress had been made during the previous year toward completion of the structure. If a 12-month period passes without evidence of substantial progress towards completion, the zoning administrator shall advise the Plan Commission of such fact and the Plan Commission may call a public hearing on the matter and may impose a completion schedule. A structure shall be deemed completed when the roof, exterior walls, doors, windows and sub-floors are in place and finished and utility connections have been made and required landscaping and site improvements have been made.

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SEC. 66.1575 RENEWAL OF PERMITS

SEC. 66.1575 RENEWAL OF PERMITS

1

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.171 AUTHORITY

SEC. 66.1709 PROTEST

1600 - ZONING BOARD OF APPEALS

1 Sec. 66.1601 Establishment

2 There is hereby established a Zoning Board Ap-
3 peals for the Village for the purpose of hearing
4 appeals and applications, and for granting vari-
5 ances and exceptions to the provisions of this
6 Zoning Code. The Zoning Board of Appeals shall
7 consist of five members plus two alternates ap-
8 pointed by the Village President and confirmed by
9 the Village Board.

10 Sec. 66.1602 Organization

11 The Zoning Board of Appeals shall organize and
12 adopt rules of procedure for its own governance
13 in accordance with the provisions of the Munici-
14 pal Code of the Village and this chapter.

15 (a) Meetings.
16 Meetings shall be held at the call of the
17 chairperson and shall be open to the pub-
18 lic.

19 (b) Minutes.
20 Written minutes of the proceedings and a
21 record of all actions shall be kept by the
22 Zoning Administrator, or other designated
23 person, showing the vote of each member
24 upon each question, the reasons for the
25 Board's determination, and its finding of
26 facts. These records shall be immediately
27 filed in the office of the Village Clerk and
28 shall be a public record.

29 (c) Voting.
30 The concurring vote of four members of
31 the Board shall be necessary to reverse any
32 order, requirement, decision or determina-
33 tion of any administrative official; grant a
34 variance; or make an interpretation.

35 Sec. 66.1603 Powers

36 The Zoning Board of Appeals shall have the fol-
37 lowing powers:

38 (a) Errors:
39 To hear and decide appeals when it is al-
40 leged there is error in any order, require-
41 ment, decision or determination made by
42 any administrative official in the enforce-
43 ment of this chapter.

44 (b) Variances:
45 To hear and grant appeals for area vari-
46 ances as will not be contrary to the public
47 interest, when, owing to special condi-
48 tions, a literal enforcement will result in
49 practical difficulty or unnecessary hard-
50 ship, so that the spirit and purposes of this

51 chapter shall be observed and the public
52 safety and welfare secured and substantial
53 justice done. Use variances shall not be
54 granted.

55 (c) Permits:

56 The Board may reverse, affirm wholly or
57 partly, or may modify the order, require-
58 ments, or decision or determination ap-
59 pealed from, and may issue or direct the is-
60 suance of a permit.

61 (d) Assistance:

62 The Board may request assistance from
63 other Village officials, departments, com-
64 missions and boards.

65 (e) Oaths:

66 The chairperson or vice-chairman may
67 administer oaths and compel the attend-
68 ance of witnesses.

69 Sec. 66.1604 Appeals and Applications

70 Appeals of the decision of the Zoning Administra-
71 tor or any administrative official concerning the
72 literal enforcement of this chapter may be made
73 by any person aggrieved or by any officer, de-
74 partment or board of the Village. Such appeals
75 shall be filed with the Village Clerk within 30
76 days after the filing of the decision or order of the
77 Zoning Administrator or any administrative offi-
78 cial. Applications may be made by the owner or
79 lessee of the structure, land or water to be affected
80 at any time and shall be filed with the Village
81 Clerk. Such appeals and applications shall include
82 the following:

83 (a) Name and address of the appellant or ap-
84 plicant and all abutting and opposite prop-
85 erty owners of record.

86 (b) Plat of survey prepared by a registered land
87 surveyor showing all of the information re-
88 quired under section 66.1530(c) [See page
89 153] for a Zoning Permit when required by
90 the Zoning Administrator or a
91 firm/individual designated by the Village or
92 a sketch drawn to a recognized map scale
93 may be submitted.

94 (c) Additional information required by the
95 Plan Commission, Village Engineer, Zoning
96 Board of Appeals, or Zoning Administrator.

97 (d) A filing fee, as set forth in the Municipal
98 Code, shall be submitted with the applica-
99 tion.

100 Sec. 66.1605 Hearings

101 The Zoning Board of Appeals shall fix a reasona-
102 ble time and place for the hearing, shall give pub-
103 lic notice thereof as specified in section
104 66.1301(a) [See page 166] of this chapter, and

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SEC. 66.171 AUTHORITY

SEC. 66.1709 PROTEST

shall give due notice to the parties in interest, and the Zoning Administrator. At the hearing, the appellant may appear in person, by agent, or by attorney.

Sec. 66.1606 Notice to DNR

The Zoning Board of Appeals shall transmit a copy of each application for an area variance to regulations of the W-1 district to the Wisconsin Department of Natural Resources (DNR) by certified mail at least ten day prior to the public hearing. Copies of appeals in the W-1 district shall also be submitted to the DNR by certified mail at least ten days prior to any public hearing. Final action on the variance application or appeal shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to conservancy district regulations or to floodland regulations, and a copy of all decisions to conservancy district and floodland district appeals, shall be transmitted to the DNR within ten days following the date of such decision.

Sec. 66.1607 Findings

No area variance to the provisions of this chapter shall be granted by the Board unless it finds by a preponderance of the evidence that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

(a) Preservation of intent.

No area variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located.

(b) Exceptional circumstances.

There must be unique circumstances or conditions applying to the lot or parcel or structure that do not apply generally to other properties or uses in the same zoning classification within 1,000 feet of the subject property and the granting of the area variance should not be of so general or recurrent nature as to suggest that the zoning chapter should be changed.

(c) Hardship.

Economic hardship and self-imposed hardship are not grounds for an area variance: No area variance shall be granted solely based on economic gain or loss. The hardship must be based upon conditions unique to the property rather than considerations personal to the owner.

(d) Preservation of property rights.

The variance must be necessary for the preservation and enjoyment of substantial

property rights possessed by other properties in the same zoning district and same vicinity.

(e) Absence of detriment.

No area variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(f) Additional requirements in wetland district.

No variance shall be granted where:

- (1) Filling and development contrary to the purpose and intent of the W-1 district would result.
- (2) A change in the boundaries of the any wetland district would result.
- (3) Any action contrary to the provisions of chapter NR 116 or chapter NR 166 of the Wisconsin Administrative Code would result.

Sec. 66.1608 Wetland Mapping Disputes

Whenever the Board of Appeals is asked to interpret a W-1 district boundary where an apparent discrepancy exists between the Village's Final Wetland Inventory Map and actual field conditions, the Village shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the Board of Appeals shall direct the Plan Commission to initiate appropriate action to rezone the property within a reasonable amount of time. If the DNR staff does not concur that the particular area is incorrectly mapped, the Zoning Board of Appeals shall affirm the Zoning Administrator's interpretation.

Sec. 66.1609 Decision

The Zoning Board of Appeals shall decide all appeals and applications within a reasonable period of time after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Plan Commission.

(a) Modifications or additions to any condition attached to a permit may be made by the Zoning Board of Appeals, which shall be enforced by the Zoning Administrator.

(b) Variances granted by the Board, relating to the commencement of construction of a building or structure, shall expire within a period of time established by the Board, but in no case shall such period exceed 12 months unless substantial work has com-

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1 menced pursuant to such variance as de-
2 termined by the Zoning Administrator. If
3 the variance expires, it is invalid and the
4 applicant must reapply for a variance.

5 **Sec. 66.1610 Review by Court of Record**

6 Any person or persons, jointly or severally ag-
7 grieved by any decision of the Zoning Board of
8 Appeals, or any taxpayer, or any officer, depart-
9 ment, or board of the Village may, within 30 days
10 after the filing of the decision in the office of the
11 Zoning Board of Appeals, commence an action
12 seeking the remedy available by certiorari.

13

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1

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SECTION 1700 - CHANGES AND AMENDMENTS

Sec. 66.1701 Authority

The Village Board may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or amendments thereto.

Sec. 66.1702 Initiation

A change or amendment may be initiated by the Village Board or Plan Commission or by an application of one or more of the owners, lessees or contract purchasers of the property subject to the proposed change.

Sec. 66.1703 Applications

Applications for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Administrator, and shall contain a legal description of the premises to be rezoned or the regulations to be amended. If the application is submitted by a contract purchaser, a copy of the offer to purchase shall be included with the application. The application shall list the reasons, which justify the application, and specify the proposed use, or provide the proposed amended wording in the regulation.

Sec. 66.1704 Review and Recommendations

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.

Sec. 66.1705 Hearings

The Plan Commission shall hold a public hearing upon each application giving public notice thereof as specified in section 66.1801 [See page 166] of this chapter, listing the time, place and the changes of amendments proposed. The Plan Commission shall also give at least ten days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment. (Amended Ordinance 117-041806).

Sec. 66.1706 Village Board's Action

As soon as possible after such public hearing, and after careful consideration of the Plan Commission's recommendations, the Village Board shall act on the application approving, either modifying and approving, or disapproving of the same.

Sec. 66.1708 Wetland Amendments

(a) Notice to DNR.

The Village shall transmit a notice of any proposed change (text or map) in the W-1 district to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:

- (1) A copy of every application for a text or map change shall be mailed within five days of filing with the Zoning Administrator.
- (2) At least ten days prior notice of any public hearing on a wetland zoning amendment shall be provided.
- (3) Notice of a Plan Commission recommendation no later than ten days following the recommendation shall be provided.
- (4) Notice of a Village Board decision no later than ten days following the decision shall be provided.

(b) Review standards.

No wetland in the W-1 district shall be rezoned if the rezoning results in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season stream flow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.

(c) DNR objections.

If the DNR has notified the Plan Commission that an amendment to the W-1 district may have a significant adverse impact upon any of the criteria listed in subsection (b) above, that amendment, if approved by the Village Board, shall not take effect until more than 30 days have elapsed since written notice of the Village Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Village Board that it will adopt a superseding shoreland ordinance for the Village pursuant to section 62.231 of the Wisconsin Statutes. If the Department does so notify the Village Board, the effect of this amendment shall

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be stayed until the section 62.231 adoption procedure is completed or otherwise terminated.

Sec. 66.1709 Protest

In the event of a protest against a district change duly signed and acknowledged by the owners of 20 percent or more, either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the Village Board membership of the proposed change.

Sec. 66.1710 Map and Text Amendments

This section contains a chronological record of changes to the Zoning District map, Official Map or the text of the Zoning Code. It also contains a chronological listing of all conditional use permits.

July 13, 2004: Ordinance 102 changing the composition of the Plan Commission to five members, Superseded by later revisions.

November 9, 2004: Ordinance 102 adopted the revised Zoning Code as a major update.

May 10, 2005: Ordinance 111 changed the composition of the Plan Commission back to seven members. 66.1500.(a).

October 25, 2005: Ordinance 112 added pier permits and dock construction standards 66.1020.

April 18, 2006: Ordinance 116 changing the zoning on three parcels of land from R-1 to R-2.

April 18, 2006: Ordinance 117 amending seven different sections of the code. 66.0323(a)(25), 66.0323(a)(38), 66.0322(a)(37), 66.0501(b)(5), 66.0501(a)(4), 66.0710(b), 66.1205.

June 13, 2006: Ordinance 120 amending 18 different sections of the code 66.0307-.0310, 66.0322(e)(7), 66.0322(i)(6), 66.0404, 66.0331(a)(5), 66.0331(a)(5), 66.0342(d), 66.0403(j)(2)(d), 66.0403(j)(2)(l), 66.0406(d), 66.0706(b), 66.1530(d), 66.1531, 66.1050(a)(14), 66.2100, 66.0716(c)(5), 66.0704(f), 66.0403(j)(1)(b)(2), 66.0708(c).

October 10, 2006: Ordinance 122 changing the zoning for a parcel on North Woods Road from R-1 to B-1.

May 14, 2007: Ordinance 126 creating 66.1035 establishing street names and repealing 66.0704(c)

June 12, 2007: Ordinance 128 amending sections 66.1050(a)(16)(b), 66.0403(j), 66.0320(b)(3), 66.0320(a)(76), 66.0320(c)(24), 66.0403(j)(6)(a)

July 10, 2007: Ordinance 130 amending sections 66.0404(g), 66.0320(c)(25), 66.0320(g)(6)

July 10, 2007: Ordinance 131 amending the entire sign chapter 66.0701-.0718

December 11, 2007: Ordinance 134 amending sections 66.1050, 66.0702, 66.1530 and 66.0501 regarding propane tanks and fire hydrant placement.

February 12, 2008: Ordinance 137 amending R-4 Standards and development agreements 66.0310(E)(2), 66.0310(G), 66.0314, 66.1510.1, 66.1510.2

August 12, 2008: Ordinance 141 Amending Chapter 66 of the Municipal Code Regarding Architectural Standards 66.0310(G)(5)

August 12, 2008: Ordinance 143 Amending Section 66.0302(b)(8) the Zoning Code regarding business activities during festivals.

August 12, 2008: Ordinance 144 Amending Section 66.0501(a)(7) the Zoning Code permitting utility service to accessory buildings.

November 4, 2008: Ordinance 146 Amending Chapter 66 regarding accessory building setbacks and sandwich board special event signage sections 66.0501(b) and 66.0710.

May 04, 2009: Ordinance 150 Amending Section 66.0331(a)(b) Chapter 66 regarding farm markets, garden plots and the definition of farm market.

July 14, 2009: Ordinance 154 amending chapter 66 of the municipal code regarding on premise signs §66.0704, adjustments to required parking §66.0404, parking requirements §66.0403, fire and explosive hazards fireworks §66.0803 and rezoning the former Helms Four Season resort property to P-1.

July 14, 2009: Ordinance 154 rezoning the former Helms Four Season resort property to P-1.

December 8, 2009: Ordinance 157 Amending Chapter 66 of the Municipal Code Regarding Section 66.0404 Regarding Parking Exemptions.

December 8, 2009: Ordinance 158 Amending Chapter 66 of the Municipal Code Regarding Section 66.0323 Regarding B-3 Professional Offices.

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- 1 December 8, 2009: Ordinance 159 Amending
2 Chapter 66 of the Municipal Code Regarding
3 Open Space.
- 4 December 8, 2009: Ordinance 160 Amending
5 Chapter 66 of the Municipal Code Regarding Sec-
6 tion 66.0322 B-2 and 66.0323 B-3 Districts Re-
7 garding Building Heights.
- 8 December 8, 2009: Ordinance 161 Amending
9 Chapter 66 of the Municipal Code Regarding Sec-
10 tions 66.0322 and 66.00323 Regarding Building
11 Side Setbacks in the B-2 and B-3 Districts.
- 12 December 8, 2009: Ordinance 164 Amending
13 Chapter 66 of the Municipal Code Regarding Sec-
14 tion 66.1530 Regarding Zoning Permits and Grad-
15 ing Plan Approval.
- 16
- 17 December 8, 2009: Ordinance 165 Amending
18 Chapter 66 of the Municipal Code Regarding Sec-
19 tions 66.0320 Regarding Housing in the B-1 Dis-
20 trict.
- 21 December 8, 2009: Ordinance 166-Amending
22 Chapter 66 of the Municipal Code Regarding Sec-
23 tion 66.0323 Regarding Gas Stations in B-3.
- 24 January 12, 2010: Ordinance 162-Amending
25 Chapter 66 of the Municipal Code Establishing
26 Section 66.1055 creating architectural review cri-
27 teria.
- 28 March 09, 2010: Ordinance 163-Amending
29 Chapter 66.1025 of the Municipal Code regarding
30 the impact on housing stock by commercial pro-
31 jects and establishing Section 66.1030 creating
32 incentives for workforce housing for R-2 district
33 projects.
- 34 April 13, 2010: Ordinance 168 Amending the
35 Zoning Map to permit a B-1 conditional use for
36 the parcel located at 10578 Applewood Road.
- 37 April 13, 2010: Ordinance 169 established a zon-
38 ing permit moratorium on certain types of resta-
39 rants.
- 40 July 13, 2010: Ordinance 170 Amending Chapter
41 66.0313 of the Municipal Code permitting the
42 keeping of non-domestic animals in the R-3 dis-
43 trict.
- 44 July 13, 2010: Ordinance 171 Amending Chapter
45 66.0900-.0922 of the Municipal Code recreating
46 the entire section on non-conforming uses and
47 structures.
- 48 August 10, 2010: Ordinance 172 Amending
49 Chapter 66.350 of the Code and multiple other
50 sections to create a Restaurant Overlay District
51 RO-1.
- 52 August 10, 2010: Ordinance 173 Amending
53 Chapter 66.1535 of the Municipal Code recreat-
54 ing the entire section on conditional uses.
- 55 August 10, 2010: Ordinance 174 Amending
56 Chapter 66.0706 if the Municipal Code permitted
57 ground signs in the B-3 to be closer to the curb.
- 58 September 14, 2010: Ordinance 176 Amending
59 Chapter 66 Section 66.0345(d)(1) regarding well-
60 head protection overlay districts.
- 61 October 12, 2010: Ordinance 178 Amending the
62 Zoning Map for the Village of Sister Bay for the
63 Parcel Located at 10674 North Bay Shore Drive to
64 Include Certain Wetlands Areas as W-1.
- 65 December 14, 2010: Ordinance 180 Amending
66 Chapter 66 of the Zoning Code regarding Section
67 66.0710(c) Sandwich Boards and Section
68 66.0705(c) Home Occupation Signs.
- 69 December 14, 2010: Ordinance 181 Approving
70 the Frisoni Door County Ice Cream Factory condi-
71 tional use permit.
- 72 December 14, 2010: Ordinance 182 Amending
73 the Zoning Map for the Village of Sister Bay for
74 the Parcel Located at 10674 North Bay Shore
75 Drive to Include Certain Wetlands Areas as W-1.
- 76 April 12, 2011: Ordinance 185 Amending Section
77 700 Regarding Signage of Chapter 66 Zoning
78 Code and Repealing Section 58.4 of the Municip-
79 al Code
- 80 June 14, 2011: Ordinance 186 Amending Section
81 66.0322(i)(11) Regarding Special Standards for
82 Garages in the B-2 District
- 83 July 12, 2011: Ordinance 187 Amending Sections
84 66.0320—66.0323 the B-1, B-2 and B-3 Districts
85 permitted, accessory and conditional uses and
86 Section 66.0315(c) CS-1 Countryside District
87 Conditional Uses for hotels and motels
- 88 September 13, 2011: Ordinance 191 Amending
89 the Zoning map for a parcel located at 2399 ma-
90 ple drive to grant a conditional use permit as a
91 garage — Hubertz
- 92 March 13, 2012: Ordinance 192 amending the
93 Zoning map for certain parcels located on Field-
94 crest Road to include certain wetlands areas as
95 W-1 — Schuyler
- 96 May 8, 2012: Ordinance 193 creating Section
97 66.0711(c) establishing standards for additional
98 shopping center identification signs.

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- 1 September 9, 2012: Ordinance 200 amending
2 Section 66.0330(f) setbacks for the Institutional
3 District I-1.
- 4 September 9, 2012: Ordinance 201 amending
5 Section 66.0405(h) amending the time period for
6 the Downtown Business District B-3 parking ex-
7 emption
- 8 September 9, 2012: Ordinance 202 amending
9 Section 66.0405 and 66.0406 amending highway
10 access and other parking restrictions
- 11 September 9, 2012: Ordinance 203 amending
12 certain requirements for the Multifamily District
13 R-2
- 14 September 9, 2012: Ordinance 204 amending
15 various sections of the code, which was renum-
16 bered
- 17 October 09, 2012: Ordinance 205 changing the
18 zoning for the parcel located at 10547 Koessl
19 Lane from I-1 to B-1
- 20 October 09, 2012: Ordinance 206 amending Sec-
21 tion 66.0911 removing the 50% valuation re-
22 quirement
- 23 October 09, 2012: Ordinance 207 amending Sec-
24 tion 66.0501 Accessory Uses and the accessory
25 use requirements in the following sections:
26 66.0310(f), 66.0311(f), 66.0312(f), 66.0313(f),
27 66.0314(f), 66.0315(f), 66.0320(f), 66.0330(f),
28 AND 66.0331(f).
- 29 October 09, 2012: Ordinance 208 amending Sec-
30 tion 66.0506 Outdoor Displays
- 31 May 14, 2013: Ordinance 210 Amending the Of-
32 ficial Map in the area bounded by Maple Drive,
33 Highway 57, Flint Ridge Road and Woodcrest
34 Road
- 35 May 14, 2013: Ordinance 211 recreating Section
36 66.0310 Creating a Residential Second Dwelling
37 Overlay District
- 38 May 14, 2013: Ordinance 212 Amending the
39 Zoning Map for a Parcel Located at 10621 N.
40 Highland Road to Grant a Conditional Use Permit
41 as an Outdoor Recreation Facility and a Fast Food
42 Restaurant
- 43 August 13, 2013: Ordinance 215 Amending the
44 Zoning Map for Parcel No. 181-42-30001 located
45 at 10604 STH 57, and Parcel Nos. 181-42-30008,
46 181-42-30006A and 181-42-30005 to R-2 Multi-
47 family.
- 48 August 13, 2013: Ordinance 216 Amending the
49 Zoning Map for Parcel No. 181-00-05312833D
- 50 Located at 10625 N. Highland Road to R-2 Multi-
51 family.
- 52 August 13, 2013: Ordinance 217 Repealing and
53 Recreating Sections 66.0322 and 66.0323 Regard-
54 ing B-2 Downtown Business Transition District
55 and B-3 Downtown Business Transition District
56 Regulations Permitting Hotel Condominiums.
- 57 Break in Numerical Sequence, all Ordinances
58 are listed in a number-6 digit date format.
- 59 Example: 200-010115 would be read as Ordi-
60 nance 200, Adopted on January 1, 2015.
- 61 218-100813 Amending the Official Map In The
62 Area West of Fieldcrest Road and North of Coun-
63 try Lane.
- 64 221-021114 Amending the portion of the Official
65 Map for the Village of Sister Bay which relates to
66 the area east of Orchard Dr. and North of Flint
67 Ridge Rd.
- 68 235-022415 Amending the Zoning Map for Parcel
69 No. 181-00-05312833D Located at 10625 N.
70 Highland Road.
- 71 225-041414 Amending and Recreating section
72 66.0722 of the Village of Sister Bay Zoning Code:
73 Other On/Off Premise Signs with Permit; Sunset
74 for Bayshore Project.
- 75 230-082614 Amending the Official Map; Official-
76 ly Mapped Streets
- 77 231-091614 Amending the Sister Bay Zoning
78 Code, Section 66.0501(e)(2)(h).
- 79 232-091614 Amending the Sister Bay Zoning
80 Code, Section 66.0505; Wind Energy Towers.
- 81 233-111814 Amending the Sister Bay Zoning
82 Code, Section 66.0323, calculations in the B-3
83 zoning district.
- 84 234-122914 Amending the Sister Bay Zoning
85 Code, Sections 66.0711, Shopping Center Sign-
86 age.
- 87 235a-122914 Amend the Sister Bay Zoning Code
88 66.0808-Noise Performance Standards
- 89 235-022415 Amending the Zoning Map for Par-
90 cel No. 181-00-05312833D Located at 10625 N.
91 Highland Road.
- 92 241-111715 Amending Ch 66.0501(b)(3)(e) of
93 the Sister Bay Zoning Code, Accessory buildings
94 in Front Yard Setback Area and 66.0311(c)(1)
95 Conditional uses in the R-1 Zoning District
- 96 244-100416 Amending Chapter 66.0700 "Signs"
97 of the Sister Bay Zoning Code

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- 1 245-111616 Adopting a Planned Unit Develop-
- 2 ment (PUD) for the Sister Bay Market Place
- 3
- 4 246-122716 Changing Zoning from
- 5 B-1 to R-3 on a portion of parcel parcel
- 6 1810008312833F for Ron and Barb Sense at 2454
- 7 Flint Ridge Rd. (CSM approved RESO 341-
- 8 122716, no parcel number issued at time of this
- 9 writing for new parcel)
- 10

VILLAGE OF SISTER BAY ZONING CODE

SECTION 1800 – PUBLIC HEARINGS

1 **Sec. 66.1801 Public Hearings**

2 Notice of any public hearing which the Village
3 Board, Plan Commission, or Zoning Board of Ap-
4 peals is required to hold under the terms of this
5 chapter shall specify the date, time and place of
6 hearing, and the matter to be presented at the
7 hearing. Pursuant to chapter 985 of the Wisconsin
8 Statutes, the notice may be published as a Class 1
9 notice or Class 2 notice, to-wit:

10 (a) Zoning Board of Appeals hearings.

11 The notice of public hearing for a variance
12 or appeal before the Zoning Board of Ap-
13 peals shall be published in a newspaper of
14 general circulation in the Village as a Class
15 1 notice that is, published once at least one
16 week before the public hearing. Notice of
17 the public hearings shall be mailed to all
18 parties-in-interest at least ten days before
19 the hearing. Parties-in-interest shall be de-
20 fined as the applicant, the clerk of any mu-
21 nicipality whose boundaries are within
22 1,000 feet of any lands included in the ap-
23 plication and the owners of all lands in-
24 cluded in the application and all lands ly-
25 ing within 300 feet of lands included in the
26 application. The failure to give any notice
27 to any property owner shall not invalidate
28 the action taken by one of the aforemen-
29 tioned bodies.

30 (b) Zoning related hearings.

31 The notice of public hearing for a Zoning
32 Amendment (text or map) or a conditional
33 use permit shall be published in a newspa-
34 per of general circulation in the Village as
35 a Class 2 notice that is at least once each
36 week for two consecutive weeks, the last
37 publication of which shall be at least one
38 week before the public hearing. Notice of
39 the public hearings shall be mailed to all
40 parties-in-interest at least ten days before
41 the hearing. Parties-in-interest shall be de-
42 fined as the applicant, the clerk of any mu-
43 nicipality whose boundaries are within
44 1,000 feet of any lands included in the ap-
45 plication and the owners of all lands in-
46 cluded in the application and all lands ly-
47 ing within 300 feet of lands included in the
48 application. The failure to give any notice
49 to any property owner shall not invalidate
50 the action taken by one of the aforemen-
51 tioned bodies.

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VILLAGE OF SISTER BAY ZONING CODE

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SECTION 2000 - DEFINITIONS

Sec. 66.2001 General Definitions

For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this chapter include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she." The word "shall" is mandatory, the word "should" is advisory and the word "may" is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions.

Sec. 66.2100 Specific Words and Phrases

Abutting. Having common border with, or being separated from such common border by an alley or easement other than publicly dedicated and approved rights-of-way.

Accessory Structure. Building or other structure which is customary, incidental and subordinate to a permitted principal use of a lot and located on the same lot as the principal use and does not meet the definition of a principal structure. (Amended Ordinance 120-061306)

Accessory Use. A use or detached structure subordinate to the principal use of a structure, land, water, or air and located on the same lot or parcel, and serving a purpose customarily incidental to the principal use or the principal structure.

Adult Family Home. A private residence to which all of the following apply: : (a) care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in Wisconsin Statutes §51.01(5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings; and (b) the private residence was licensed under Wisconsin Statutes § 48.62 as a fos-

ter home for the care of the adults specified in sub(a) at least 12 months before any of the adults attained 18 years of age.

Aggrieved Person. One whose application for a permit is denied, one whose permit is revoked, and in some instances, taxpayers. An adjacent property owner is not an aggrieved person unless suffering some specific ascertainable damage or is specifically injured by the actions of a neighbor.

Alley. A public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.

Amusement Park. A commercially operated facility with various devices for entertainment, which are located primarily outdoors, including miniature golf.

Animals, domestic shall refer to animals kept primarily in the home, such as dogs, cats, snakes, small rodents, rabbits, pigmy goats, pot-bellied pigs. (Amended Ordinance 170-071310)

Animals, non-domestic shall include, but not be limited to horses, mules, alpacas, llamas, swine, cows, goats, donkeys, chickens, ducks and any endangered or exotic species of animal, including wild animals. (Amended Ordinance 170-071310)

Animals, wild shall include, but not be limited to monkeys, non-human primates, raccoons, skunks, fox, wolf, poisonous snakes, leopard, panther, tiger, lynx, and any warm blooded animal found normally in a wild state. (Amended Ordinance 170-071310)

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Antenna, Earth Station Dish. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites (Also see section 66.0203).

Antenna, Terrestrial. Any antenna designed to receive television and radio signals relayed from one ground location to another ground location. Such antennas are typically mounted on a tower or support on the rooftop of a structure, or on freestanding towers.

VILLAGE OF SISTER BAY ZONING CODE

- 1 Antenna. A specific device the surface of which is
2 used to receive or capture incoming and/or
3 to transmit outgoing radio-frequency (RF)
4 signals, microwave signals, or other com-
5 munications energy transmitted from or to
6 be received by other antennas, including,
7 but not limited to the following: (a) Direc-
8 tional (or “panel”) antennas, designed to
9 receive and/or transmit signals in a direc-
10 tional pattern which is less than 360 de-
11 grees, typically an arc of approximately
12 120 degrees; (b) Parabolic (or “dish”) an-
13 tennas, generally bowl-shaped devices that
14 are designed to receive and/or transmit
15 signals in an approximate specific direc-
16 tion; (1) Microwave parabolic antennas are
17 designed to transmit and/or receive micro-
18 wave signals to or from other microwave
19 parabolic antennas; (2) Satellite parabolic
20 antennas are designed to transmit and/or
21 receive audio and/or video or data signals
22 from satellites orbiting the earth; (3) Other
23 devices designed for the reception and/or
24 transmission of radio-frequency (RF) signals
25 or other communication technologies.
- 26 Aquifer. A geologic formation, group of for-
27 mations, or part of a formation that con-
28 tains sufficient saturated, permeable mate-
29 rial to yield significant quantities of water
30 to wells and springs.
- 31 Art Gallery. An institution or business exhibiting
32 or dealing with works of art.
- 33 Art Studio. An establishment engaged in the sale
34 or exhibit of art works such as paintings,
35 sculpture, macramé, knitted goods, stitch-
36 ery or pottery. Art studios are also engaged
37 in the creations of such art works and often
38 offer instruction in their creation.
- 39 Art. The conscious use of skill, taste and creative
40 imagination in the production of objects
41 whose primary or sole value is intended to
42 be aesthetic. Art is distinct from other
43 forms of production by its application of
44 personal, un-analyzable creative power,
45 not merely expertness in workmanship.
- 46 Arterial Highway. A public street or highway used
47 or intended to be used primarily for fast or
48 heavy through traffic. Arterial streets and
49 highways include freeways and express-
50 ways, state trunk and county trunk high-
51 ways, and other heavily traveled streets.
- 52 Attainable Housing. Attainable housing shall be
53 defined as housing for individuals actively
54 working within the boundaries of the Gi-
55 braltar School District, who meet the in-
56 comes levels for individuals and families,
57 which do not exceed the average median
58 earned income level for Door County.
- 59 Audio/Video Production. An activity, not in con-
60 junction with adult-oriented facilities, in-
61 volving the production, including scripting,
62 recording, editing and postproduction of
63 audio and visual taped media for educa-
64 tional, entertainment or promotional pur-
65 poses.
- 66 Automotive Body Repair. Activities involving the
67 repair, painting or undercoating of the
68 body or frame of vehicles with a gross ve-
69 hicle weight of 10,000 pounds or less.
70 Body and frame repair does not include
71 mechanical engine or power train repair.
- 72 Automotive Mechanical Repair. Activities involv-
73 ing the maintenance, servicing or repair of
74 automotive engines, power train, suspen-
75 sion and exhaust system on vehicles with a
76 gross vehicle weight of 10,000 pounds or
77 less. Mechanical repair does not include
78 body and frame repair, painting or under-
79 coating.
- 80 Automotive Sales and Service. Any building, land
81 area, or other premises for the display and
82 sale of new or used automobiles, pickup
83 trucks or vans, lawn and garden imple-
84 ments, trailers, boats, or other recreational
85 vehicles and including any warranty repair
86 work and other repair service conducted as
87 an accessory use.
- 88 Awning. See “Marquee.”
- 89 Baby Sitting. The act of providing care and super-
90 vision for fewer than four children. This
91 definition does not apply when the baby
92 sitter is related to the child, or when more
93 than four children in one household are re-
94 lated.
- 95 Basement. That portion of any structure, which is
96 below grade, or which is partly below and
97 partly above grade but so located that the
98 vertical distance from the grade to the floor
99 is greater than the vertical distance from
100 the grade to the ceiling.
- 101 Bed and Breakfast. Any place of lodging that pro-
102 vides four or fewer rooms for rent for more
103 than 10 nights in a 12-month period, is the
104 owner’s personal residence, is occupied by
105 the owner during the time of rental, and in

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| | | | |
|----|---|-----|--|
| 1 | which the only meal served to guests is | 53 | and similar features, which are not for hu- |
| 2 | breakfast. | 54 | man occupancy. |
| 3 | Bedroom. A private room, 100 square feet or | 55 | Building Separation. The narrowest distance be- |
| 4 | more in area, planned for sleeping and | 56 | tween two buildings. |
| 5 | separable from other rooms by a door. | 57 | Building Setback Line. A line within a lot or par- |
| 6 | Benign non-conformities are those that do not | 58 | cel of land designated, pursuant to Village |
| 7 | have a negative impact on the health and | 59 | Zoning Code requirements, on a plat of a |
| 8 | safety of the public, but may have a nega- | 60 | proposed subdivision within which, and |
| 9 | tive impact on public welfare. (Amended | 61 | the adjacent boundary of the street upon |
| 10 | Ordinance 171-071310) | 62 | which the lot abuts, the erection of an en- |
| 11 | Billboard. See "Sign, Off-Premise." | 63 | closed structure or portion thereof is pro- |
| 12 | Boardinghouse. A place in which lodging, with or | 64 | hibited. |
| 13 | without meals, is offered for compensation | 65 | Building, Accessory. Any building except the |
| 14 | to non-transient guests, that provides four | 66 | principal building on a lot, and located on |
| 15 | or less rooms for rent, is the owner's per- | 67 | the same lot as the principal building. In |
| 16 | sonal residence, and is occupied by the | 68 | the case of a house and detached garage |
| 17 | owner during the time of rental. | 69 | on a lot, the accessory building is the gar- |
| 18 | Boathouse. An accessory structure, which is ac- | 70 | age. |
| 19 | cessible by boats from navigable water, is | 71 | Building, Principal. The main building or struc- |
| 20 | designed, constructed and used solely for | 72 | ture as distinguished from a secondary or |
| 21 | the purpose of protecting or the storing of | 73 | accessory building. This includes a house |
| 22 | boats used for noncommercial purposes in | 74 | in a residential district, a store in a business |
| 23 | conjunction with a residence. | 75 | district, or farm buildings in an agricultural |
| 24 | Buffer Yard. An area of land containing sufficient | 76 | district. |
| 25 | area and width, landscape plantings, earth | 77 | Building, Temporary. Any building not designed |
| 26 | berms, fencing, walls, or other visual | 78 | to be permanently located in the place |
| 27 | and/or sound barriers intended to eliminate | 79 | where it is currently located, or where it is |
| 28 | or minimize land use conflicts between ad- | 80 | intended to be located. |
| 29 | acent land uses. | 81 | Building. Any structure having a roof supported |
| 30 | Buildable Area. The area of the lot remaining after | 82 | by columns or walls used or intended to be |
| 31 | the minimum front setback, side setbacks, | 83 | used for the shelter or enclosure of per- |
| 32 | rear setback, and other open space re- | 84 | sons, animals, equipment, machinery, ve- |
| 33 | quirements, such as wetlands, have been | 85 | hicles or materials. |
| 34 | met. (See Illustration No. 5) | 86 | Bulletin Board. See "Sign, Bulletin." |
| 35 | Building Footprint. The ground area covered by | 87 | Camping Unit. Any single shelter, except sleeping |
| 36 | and including the exterior dimensions of a | 88 | bags, bedrolls and hammocks, used for |
| 37 | building, including enclosed porches, at- | 89 | camping by a camping party. |
| 38 | tached garages and carports. | 90 | Camping. The placement of a temporary shelter |
| 39 | Building Height. The vertical distance above the | 91 | used as, or designed to be used for sleep- |
| 40 | finished lot grade at the front of the build- | 92 | ing purposes. Examples of shelters used for |
| 41 | ing measured to the highest point of the | 93 | camping include tents, trailers, motor |
| 42 | coping of a flat roof or to the deck line of a | 94 | homes, recreational vehicles, tarpaulins, |
| 43 | mansard roof or to the average height be- | 95 | bedrolls and sleeping bags. |
| 44 | tween the eaves and the ridge of the high- | 96 | Candela. A measure of light intensity. A candela |
| 45 | est gable, hip or gambrel roof. The finished | 97 | is equal to 1/60 of the luminous intensity |
| 46 | lot grade shall be the average grade across | 98 | per square centimeter of a blackbody radi- |
| 47 | the front of the building measured five feet | 99 | ating at the temperature of solidification of |
| 48 | away. The height of a stepped or terraced | 100 | platinum (2,046° K.) By comparison, a |
| 49 | building is the maximum height of any | 101 | "foot-candle" is the illumination of a sur- |
| 50 | segment of the building. Not included in | 102 | face one-foot distant from a source of one |
| 51 | the maximum height are chimneys, bell | 103 | candela, or one lumen per foot. |
| 52 | towers, steeples, roof equipment, flagpoles | | |

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- 1 Canopy. See "Marquee."
2 Car or Truck Wash. Any facility used for the
3 washing of vehicles requiring the installa-
4 tion of special equipment.
- 5 Casual non-commercial use. Transient rental of
6 property for periods of 30 days or less, not
7 to exceed 16 weeks per calendar year.
8 One day of rental in a period of a week
9 shall count as a full week of rental.
- 10 Channel. Those flood lands normally occupied by
11 a stream, lakebed, or other body of water
12 under average annual high-water flow
13 conditions while confined within generally
14 well established banks.
- 15 Clearing. The act of removing trees or brush from
16 any part of a wooded lot for the purpose of
17 building development or the creation of
18 non-wooded areas.
- 19 Co-Location. Locating wireless communication
20 facilities from more than one provider on a
21 single site.
- 22 Business Site. A tract consisting of one or more
23 contiguous lots or parts of lots which are
24 used for inter-dependent ingress and egress
25 of vehicles and containing one or more off-
26 street loading or parking facilities; or any
27 business site having five or more parking
28 stalls.
- 29 Commercial Transient Lodging. The provision of
30 furnished lodging on a transient basis as
31 defined for state sales tax purposes, that is,
32 occupancy for periods of 30 days or less.
33 Rental on a casual, non-commercial basis
34 of residential dwelling units is not consid-
35 ered commercial transient lodging.
- 36 Commercial Vehicle Sales and Service. Any
37 building, land area, or other premises for
38 the display and sale of large trucks and
39 equipment, typically used in commercial
40 operations, and including any warranty re-
41 pair work and other repair service con-
42 ducted as an accessory use. For the pur-
43 pose of this chapter, commercial trucks are
44 trucks with a gross vehicle weight in excess
45 of 10,000 pounds.
- 46 Community Living Arrangement. Means any of
47 the following facilities: child welfare agen-
48 cies group home for children and commu-
49 nity-based residential facilities; but does
50 not include adult family homes, day care
51 centers, nursing homes, general hospitals,
52 special hospitals, prisons and jails.
- 53 Community Water System. A public water system
54 that serves at least fifteen service connec-
55 tions used by year-round residents or regu-
56 larly serves at least twenty-five year round
57 residents.
- 58 Community-based Residential Facility. A place
59 where three or more unrelated adults re-
60 side in which care, treatment or services
61 above the level of room and board but not
62 including nursing care are provided to per-
63 sons residing in the facility as a primary
64 function of the facility.
- 65 Conditional Uses. Uses of a special nature as to
66 make impractical their predetermination as
67 a permitted use in a district. Conditional
68 uses have been used in zoning ordinances
69 as flexible devices, which are designed to
70 cover situations where a particular use,
71 although not inherently inconsistent with
72 the use classification of a particular zoning
73 district, may create special problems and
74 hazards if allowed to develop and locate as
75 a matter of right in a particular zoning dis-
76 trict. Conditional uses are issued to proper-
77 ties, not individuals, and their continued
78 use runs with the property, not with the
79 owner.
- 80 Condominium, Hotel/Motel. A condominium
81 ownership property where more than 25
82 percent of the units are available for rent
83 for more than 30 days per year or on a
84 commercial transient lodging basis.
- 85 Condominium, Residential. A condominium
86 ownership property where more than 75
87 percent of the units are owner occupied
88 and the casual non-commercial use does
89 not exceed 30 days per year per unit.
- 90 Cone of Depression. A depression in the water
91 table that occurs when a pumping well
92 withdraws water at a rate faster than the
93 aquifer can supply water to the well.
- 94 Convenience Food Store. A retail establishment of
95 less than 3,000 square feet in area where
96 food products and related household prod-
97 ucts are sold.
- 98 Corner Lot. A lot abutting on two streets at their
99 intersection, where the angle of intersec-
100 tion is not more than 135 degrees.
- 101 Covenant. A contract or other written agreement
102 between two parties, which constitutes a
103 restriction on a particular parcel of land.

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- 1 Curb Elevation. The elevation of the established
2 curb in front of a building or structure gen-
3 erally used as a reference point in estab-
4 lishing yard grades. Where curb has not
5 been installed, the mean centerline eleva-
6 tion of the street in front of the building or
7 structure shall be used as the reference
8 point.
- 9 Cutting plan. A plan for the removal of vegetation
10 including any proposed replanting of vege-
11 tation.
- 12 Day Care Center. See “Family Day Care Home”
13 and “Group Day Care Center.”
- 14 Deck. An unenclosed, unroofed exterior platform
15 structure, with or without railings, which is
16 elevated above preconstruction grade, is
17 typically of wood construction, either at-
18 tached to a building or freestanding. A
19 deck shall be considered a structure not
20 building.
- 21 Density. A number expressing the relationship of
22 the number of dwelling units to land area.
- 23 Detrimental non-conformities are those that have
24 a negative impact on the health and safety
25 of the public. Detrimental non-
26 conformities have the potential for harm.
27 (Amended Ordinance 171-071310)
- 28 Development Project: Any residential, commer-
29 cial, business or mixed-use subdivision
30 plan or development plan submitted to the
31 Village for approval.
- 32 Development. Any man-made change to im-
33 proved or unimproved real estate, includ-
34 ing but not limited to construction of or
35 addition or substantial improvements to
36 buildings, other structures, or accessory
37 uses, mining, dredging, filling, grading,
38 paving, excavation or drilling operations,
39 or disposition of materials.
- 40 Diffuse: To spread or scatter widely, or thinly.
- 41 Direct Illumination: Illumination resulting from
42 light emitted directly from a lamp or lumi-
43 naire, not light diffused through translucent
44 signs or reflected from other surfaces such
45 as the ground or building facades.
- 46 Display Lot or Area: Outdoor areas where active
47 nighttime sales activity occurs and where
48 accurate color perception of merchandise
49 by customers is required. To qualify as a
50 Display Lot, one of the following specific
51 uses must occur: Automobile sales, boat
52 sales, tractor sales, building supply sales,
53 gardening or nursery sales, assembly lots,
54 swap meets. Uses not on this list must be
55 approved as display lot uses by the munic-
56 ipality.
- 57 District, Basic. A part or parts of the Village for
58 which the regulations of this chapter gov-
59 erning the use and location of land and
60 buildings are uniform (such as the residen-
61 tial and business district classifications).
- 62 District, Overlay. Overlay districts provide for the
63 possibility of superimposing certain addi-
64 tional requirements upon a basic zoning
65 district.
- 66 Driveway: Every way or area used for vehicular
67 travel back of the street right-of-way.
- 68 Dryland Access. A vehicular access route which
69 is above the regional flood elevation and
70 which connects land located in the flood-
71 plain to land, which is outside the flood-
72 plain, such as a road with its surface above
73 the regional flood elevation and wide
74 enough to accommodate wheeled vehi-
75 cles.
- 76 Dune. A mound, hill or ridge of sand piled by
77 wind.
- 78 Dwelling Unit, Efficiency. A dwelling unit consist-
79 ing of not more than one habitable room
80 together with kitchen or kitchenette facili-
81 ties and sanitary facilities.
- 82 Dwelling Unit. A group of rooms including at
83 least a kitchen or kitchenette, sanitary facil-
84 ities, and a bedroom; and providing, or in-
85 tended to provide, living quarters for not
86 more than one family.
- 87 Dwelling, Bi-Level. A two-level dwelling with one
88 level above grade, and the other level par-
89 tially above grade and partially below
90 grade. The lowest level may or may not
91 have exterior access. For the purpose of
92 measuring living area, the Zoning Adminis-
93 trator will determine functional areas as set
94 forth in the definition of “living area” and
95 the first floor area will be considered the
96 first level that is entirely above grade.
- 97 Dwelling, Detached. A dwelling, which is entirely
98 surrounded by open space on the same lot.
- 99 Dwelling, Multiple-Family. A residential building
100 designed for or occupied by three or more
101 families, with the number of families in a

VILLAGE OF SISTER BAY ZONING CODE

| | | | |
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| 1 | residence not to exceed the number of | 53 | toring of noise, air or water pollutants, sol- |
| 2 | dwelling units provided. | 54 | id waste or thermal pollution, radiation or |
| 3 | Dwelling, Single-Family. A building designed for | 55 | other pollutants, including facilities in- |
| 4 | or occupied exclusively by one family. | 56 | stalled principally to supplement or to re- |
| 5 | Dwelling, Tri-Level. A three-level dwelling with | 57 | place existing property or equipment not |
| 6 | two levels above grade, and a third level | 58 | meeting or allegedly not meeting accepta- |
| 7 | partially above grade and partially below | 59 | ble pollution control standards or which |
| 8 | grade. The lowest level may or may not | 60 | are to be supplemented or replaced by |
| 9 | have exterior access. For the purpose of | 61 | other pollution control facilities. |
| 10 | measuring living area, the Zoning Adminis- | 62 | Essential Services. Services provided by public |
| 11 | trator will determine functional areas as set | 63 | and private utilities necessary for the exer- |
| 12 | forth in the definition of "living area" and | 64 | cise of the principal use or service of the |
| 13 | the first floor area will be considered the | 65 | principal structure. These services include |
| 14 | first level that is entirely above grade. | 66 | underground, surface, or overhead facili- |
| 15 | Dwelling, Two-Family. A building, also called a | 67 | ties such as gas, electrical, steam, water, |
| 16 | duplex, containing two separate dwelling | 68 | sanitary sewerage, storm water drainage, |
| 17 | (or living) units, designed for occupancy by | 69 | and communication systems and accesso- |
| 18 | not more than two families, and having | 70 | ries thereto, such as poles, towers, wires, |
| 19 | separate entrances and kitchen facilities. | 71 | mains, drains, vaults, culverts, laterals, |
| 20 | Dwelling. A building designed or used exclusive- | 72 | sewers, pipes, detention basins, drainage |
| 21 | ly as a residence or sleeping place, but | 73 | channels, catch basins, water storage |
| 22 | does not include boarding or lodging | 74 | tanks, conduits, cables, fire alarm boxes, |
| 23 | houses, motels, hotels, tents, cabins, or | 75 | police call boxes, traffic signals, pumps, lift |
| 24 | travel trailers. | 76 | stations, and hydrants, but not including |
| 25 | Election Campaign Period. In the case of an elec- | 77 | buildings. |
| 26 | tion for office, the period beginning on the | 78 | Facility. A building or buildings, appurtenant |
| 27 | first day of circulation of nomination pa- | 79 | structures, and surrounding land used by a |
| 28 | pers by candidates or the first day that | 80 | single business, private entity, or govern- |
| 29 | candidates would circulate nomination | 81 | mental unit or sub-unit at a single location |
| 30 | papers were papers to be required, and | 82 | or site. |
| 31 | ending the day of the election. In the case | 83 | Family Day Care Home. A dwelling licensed as a |
| 32 | of a referendum, the period beginning on | 84 | day care center by the State of Wisconsin |
| 33 | the day on which the question to be voted | 85 | pursuant to section 48.65 of the Wisconsin |
| 34 | upon is submitted to the electorate and | 86 | Statutes, where care is provided for not |
| 35 | ending on the day on which the referen- | 87 | more than eight children under the age of |
| 36 | dum is held. | 88 | 7 years for less than 24 hours per day. All |
| 37 | Enclosed Structure. A structure consisting of a sol- | 89 | structures shall be located a minimum of |
| 38 | id roof, a permanent foundation, a floor | 90 | 100 feet from any residentially zoned |
| 39 | and solid walls extending from the floor to | 91 | property. |
| 40 | the roof. Solid doors, windows or other | 92 | Family. The group of persons related by blood, |
| 41 | glazing are allowed in the walls. Open | 93 | marriage or adoption, or not more than |
| 42 | breezeways or screen walls do not qualify | 94 | four unrelated persons who live together in |
| 43 | as enclosed structures. | 95 | one dwelling unit as a single housekeeping |
| 44 | Environmental Contractor. Offices, laboratories | 96 | entity. |
| 45 | and support facilities for the testing or | 97 | Farm. A parcel of land used for agricultural activi- |
| 46 | evaluation of soil, air or water, not includ- | 98 | ties including, but not limited to, the rais- |
| 47 | ing any on-site storage or remediation of | 99 | ing and harvesting of field crops; the rais- |
| 48 | materials. | 100 | ing of livestock; and the raising and har- |
| 49 | Environmental Control Facility. Any facility, tem- | 101 | vesting of trees, orchards, or vineyards. |
| 50 | porary or permanent, which is reasonably | 102 | Farmers' or Growers' Market is defined as a pub- |
| 51 | expected to abate, reduce or aid in the | 103 | lic market place where fresh foods are sold |
| 52 | prevention, measurement, control or moni- | 104 | by the residents of Door County who have |
| | | 105 | grown, gathered, raised or produced them. |

VILLAGE OF SISTER BAY ZONING CODE

| | | | |
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| 1 | Markets where crafts and other items are | 54 | immediate purchaser. Flea markets may be |
| 2 | sold can be eligible as farmers' markets, as | 55 | conducted within a structure or in the open |
| 3 | long as the total number of craft vendors | 56 | air. Rummage sales and garage sales are |
| 4 | does not exceed the total number of farm- | 57 | not considered flea markets. |
| 5 | ers. (Amended Ordinance 150-050409) | 58 | Flood Lamp: A specific lamp form designed to di- |
| 6 | Fence, Ornamental. A fence intended to decorate, | 59 | rect its output in a specific direction (a |
| 7 | accent, or frame a feature of the landscape. | 60 | beam) but with a diffusing glass envelope. |
| 8 | Ornamental fences are often used to identi- | 61 | Such lamps are so designated by the manu- |
| 9 | fy a lot corner or lot line; or frame a drive- | 62 | facturers and are typically used in residen- |
| 10 | way, walkway or planting bed. Ornamen- | 63 | tial outdoor area lighting. |
| 11 | tal fences are often of the rail, or wrought | 64 | Floor. A floor (synonymous with a story) in a mul- |
| 12 | iron type. A chain link fence is not consid- | 65 | ti-story building is defined as a horizontal |
| 13 | ered an ornamental fence. | 66 | open and occupiable space divided from |
| 14 | Fence, Residential. A fence intended to identify | 67 | other such spaces within the building by |
| 15 | residential property lines, provide for pri- | 68 | horizontal plates. The floor count shall be |
| 16 | vacuity, and/or to protect members of a | 69 | defined by determining the highest and |
| 17 | household, especially children. A residen- | 70 | lowest above ground floors and counting |
| 18 | tial fence may also secure a private swim- | 71 | all stories from one to the other. Each floor |
| 19 | ming pool against unauthorized entry. Res- | 72 | level must be at least seven feet in height. |
| 20 | idential fences are usually four to six feet in | 73 | Floor levels may be classified as above |
| 21 | height. Residential fences are often of the | 74 | ground or below ground. An above ground |
| 22 | picket, rail, stockade, board-on-board, | 75 | floor is a level whose ceiling is at least sev- |
| 23 | board and batten, basket weave, or lou- | 76 | en feet above the ground. If a building is |
| 24 | vered type, and do not include chain link | 77 | set on sloping ground, then the first level |
| 25 | fences. | 78 | flush with or higher than the lowest imme- |
| 26 | Fence, Security. A fence intended to guard prop- | 79 | diately, surrounding ground level shall be |
| 27 | erty against unauthorized entry, and to pro- | 80 | considered the first above ground floor. |
| 28 | tect stored goods and products from theft | 81 | Floors, which are above the soil line, but |
| 29 | and other unauthorized handling. Security | 82 | below an elevated street, which passes or |
| 30 | fences usually exceed six feet in height, are | 83 | approaches the main entrance, shall be |
| 31 | often made of wrought iron or chain link, | 84 | considered underground; likewise floors |
| 32 | and may incorporate additional security | 85 | which open to the outside only through a |
| 33 | features such as barbed wire. | 86 | sunken plaza shall be considered below |
| 34 | Fence. An artificially constructed barrier of any | 87 | ground. If the floor levels within a building |
| 35 | material or combination of materials erect- | 88 | do not match at all points, then aside from |
| 36 | ed to enclose, decorate, or screen areas of | 89 | counting all legitimately independent mez- |
| 37 | land. A fence shall also be defined to in- | 90 | zanines, only one vertical set of levels shall |
| 38 | clude rock walls and plantings of bushes or | 91 | count in determining the floor count. In |
| 39 | trees. | 92 | this case, the set, which yields the highest |
| 40 | Five-Year Time of Travel (TOT). The five-year | 93 | number, shall be used. |
| 41 | time of travel is the recharge area up gradi- | 94 | Floor Area Ratio. The gross floor area of all build- |
| 42 | ent of the cone of depression, the outer | 95 | ings on the lot divided by the lot area. This |
| 43 | boundary of which it is determined or es- | 96 | is often expressed as a percentage of the |
| 44 | timated that groundwater and potential | 97 | lot. Floor area ratio differs from lot cover- |
| 45 | contaminants will take five years to reach a | 98 | age in that the floor area of all floors of |
| 46 | pumping well. | 99 | each building is used in making the calcu- |
| 47 | Flea Market. Any premises where the principal | 100 | lation. |
| 48 | use is the sale of new or used household | 101 | Floor Area, Gross. The sum of the gross horizontal |
| 49 | goods, personal effects, tools, art work, | 102 | areas of the floors of a building measured |
| 50 | small household appliances, and similar | 103 | from the exterior face of exterior walls, or |
| 51 | merchandise, equipment or objects, in | 104 | from the centerline of a wall separating |
| 52 | small quantities, in broken lots or parcels, | 105 | two buildings, but not including interior |
| 53 | not in bulk, for use or consumption by the | 106 | parking spaces, loading space for motor |
| | | 107 | vehicles, attics, unfinished basement |

VILLAGE OF SISTER BAY ZONING CODE

| | | | |
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| 1 | rooms, garages, breezeways and unen- | 55 | property line and the nearest foundation |
| 2 | closed porches or terraces or any space | 56 | wall of a principal or accessory building, |
| 3 | where the floor-to-ceiling height is less | 57 | excluding overhangs, uncovered steps and |
| 4 | than six feet. | 58 | stoops, gutters and awnings. Where the |
| 5 | Floor Area, Net. The total of all floors areas of a | 59 | street line is an arc, the setback shall be |
| 6 | building, excluding stairwells and elevator | 60 | measured from the arc. (See Illustration |
| 7 | shafts, equipment rooms, interior vehicular | 61 | No. 9) |
| 8 | parking or loading space; and all floors be- | 62 | Front Yard. A regulated area on a developed par- |
| 9 | low the first or ground floor, except when | 63 | cel of land. The yard area bounded by the |
| 10 | used or intended to be used for human | 64 | front lot line, the side lot lines and the front |
| 11 | habitation or service to the public. Very of- | 65 | foundation wall of a principal building , |
| 12 | ten, for ease of administration, net floor ar- | 66 | excluding overhangs, uncovered steps and |
| 13 | ea is expressed as gross floor area minus a | 67 | stoops, gutters and awnings. (See Illustra- |
| 14 | certain percentage. Empirically, stairwells, | 68 | tion No. 10) |
| 15 | elevator shafts, equipment rooms and utili- | 69 | Frontage. The dimension of a lot abutting a public |
| 16 | ty rooms generally average out to about 15 | 70 | street measured along the street right-of- |
| 17 | percent of the gross floor area. | 71 | way line. For lots abutting a lake or stream, |
| 18 | Foot-Candle (fc): A unit of illuminance equal to 1 | 72 | the dimension measured along the shore- |
| 19 | lumen/ft ² , the illumination of a surface | 73 | line. |
| 20 | one-foot distant from a point source having | 74 | Fully Shielded Luminaires: Outdoor luminaire uti- |
| 21 | a uniform luminous intensity of 1 candela | 75 | lizing flat, clear lenses with no |
| 22 | (cd). One- (1) foot-candle equals approxi- | 76 | refractorizing elements and which operates |
| 23 | mately 0.1 (0.093) lux (metric). Full Cutoff | 77 | in a horizontal position with nonadjustable |
| 24 | Luminaire: A luminaire light distribution | 78 | mounting hardware or brackets. Light is |
| 25 | where no light is emitted above the hori- | 79 | distributed by means of internal reflector. |
| 26 | zontal, and where the intensity at 80 de- | 80 | The light source is totally concealed by the |
| 27 | grees from nadir is no greater than 100 | 81 | luminaire housing when the observation |
| 28 | candelas per 1000 lamp lumens. | 82 | position is at an angle less than fifteen de- |
| 29 | Foster Home. Any facility operated by a person | 83 | grees (15°) above horizontal. Light is not |
| 30 | required to be licensed by section 48.62 | 84 | permitted at an angle less than four degrees |
| 31 | that provides care and maintenance for no | 85 | (4°) above horizontal. |
| 32 | more than four children unless all children | 86 | Garage Attached. A garage that is connected to |
| 33 | are siblings. | 87 | the principal structure by a doorway lead- |
| 34 | Freeboard. A flood protection elevation require- | 88 | ing directly into the interior of the principal |
| 35 | ment designed as a safety factor, which is | 89 | structure. The connection must have walls |
| 36 | usually expressed in terms of a specified | 90 | and a roof and shall not be exposed to the |
| 37 | number of feet above a calculated flood | 91 | outdoors. A covered breezeway is not a |
| 38 | level. Freeboard compensates for the ef- | 92 | permitted connection. (Amended Ord- |
| 39 | fects of any factors that contribute to flood | 93 | nance 120-061306) |
| 40 | heights greater than those calculated. The- | 94 | Garage Sale. See "Rummage Sale." |
| 41 | se factors include, but are not limited to, | 95 | Garage, Private. A structure primarily intended for |
| 42 | ice jams, debris accumulation, wave ac- | 96 | and used for the enclosed storage or shelter |
| 43 | tion, obstruction of bridge openings and | 97 | of the private motor vehicles of the family's |
| 44 | floodways, the effects of urbanization on | 98 | resident upon the premises. |
| 45 | the hydrology of a watershed, loss of flood | 99 | Garage, Public or Commercial. A structure or por- |
| 46 | storage areas due to development and ag- | 100 | tion thereof, other than a private garage, |
| 47 | gregation of the river or stream bed. (See Il- | 101 | used primarily for the parking and storage |
| 48 | lustration No. 7) | 102 | of motor vehicles and available to the pub- |
| 49 | Front Setback. A line established on a parcel of | 103 | lic. A public garage may or may not charge |
| 50 | land for the purpose of identifying the | 104 | a fee for such use. |
| 51 | nearest point a principal or accessory | 105 | Garage, Repair. See "Automobile Body Repair" |
| 52 | structure may be placed to a lot line or | 106 | and "Automobile Mechanical Repair." |
| 53 | right-of-way line. The minimum required | | |
| 54 | horizontal distance between the front | | |

VILLAGE OF SISTER BAY ZONING CODE

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| 1 | Gasoline Service Stations. Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing and sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories. Contemporary service stations may specialize in a singular service such as providing fast oil changes. Contemporary services may also be associated with another principal use such as a convenience food store. In such instance, the facility is to comply with both the service station and food store requirements of this chapter. | 53 | tating reversible illness; or Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed. |
| 2 | | 54 | |
| 3 | | 55 | |
| 4 | | 56 | |
| 5 | | 57 | |
| 6 | | 58 | Health and Safety of the Public is the protection from injury, illness, danger and other harm. (Amended Ordinance 171-071310) |
| 7 | | 59 | |
| 8 | | 60 | |
| 9 | | 61 | Height of Tower. The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application. |
| 10 | | 62 | |
| 11 | | 63 | |
| 12 | | 64 | |
| 13 | | 65 | |
| 14 | | 66 | |
| 15 | | 67 | |
| 16 | Glare: A light ray emanating directly from a lamp, reflector or lens that falls directly on the observer's eye. | 68 | |
| 17 | | 69 | |
| 18 | | 70 | Home Occupation. Any occupation for financial gain or support conducted entirely within the premises by resident occupants; which is customarily incidental to the principal use of the premises. [See also section 66.0501(D) of this chapter] |
| 19 | Grade, Established. The elevation of the finished street at the centerline or curb as fixed by such authority as shall be designated by law to determine such an elevation. | 71 | |
| 20 | | 72 | |
| 21 | | 73 | |
| 22 | | 74 | |
| 23 | Grocery Store. A retail establishment of at least 25,000 square feet in area, where food products and related household products are sold. | 75 | |
| 24 | | 76 | Hotel. An establishment, licensed pursuant to Chapter 50 of the Wisconsin Statutes, wherein sleeping accommodations are offered for pay to transients, in five or more rooms, and all places used in connection therewith. The terms "Hotel," "Motel," and "Inn" are synonymous. |
| 25 | | 77 | |
| 26 | | 78 | |
| 27 | Groundwater Divide. A ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface. | 79 | |
| 28 | | 80 | |
| 29 | | 81 | |
| 30 | | 82 | |
| 31 | | 83 | IESNA: Illuminating Engineering Society of North America, an organization that establishes updated standards and illumination guidelines for the lighting industry. |
| 32 | | 84 | |
| 33 | Groundwater. The water in a saturated zone or stratum beneath the surface of land or water, whether or not it is flowing through known and definite channels. | 85 | |
| 34 | | 86 | |
| 35 | | 87 | Impervious Surface. Surfaces which do not absorb precipitation including buildings, structures, parking lots, driveways, roads, sidewalks and any areas in concrete, asphalt or packed stone. |
| 36 | | 88 | |
| 37 | Group Day Care Center. An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to section 48.65 of the Wisconsin Statutes. | 89 | |
| 38 | | 90 | |
| 39 | | 91 | |
| 40 | | 92 | Inoperative Vehicle. Any motor vehicle, which lacks a current registration, two or more wheels, or any other component part, which renders the vehicle illegal for use on highways. |
| 41 | | 93 | |
| 42 | Group Home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to section 48.62 of the Wisconsin Statutes for the care and maintenance of five to eight children. | 94 | |
| 43 | | 95 | |
| 44 | | 96 | |
| 45 | | 97 | Installation. Shall mean the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device. |
| 46 | | 98 | |
| 47 | Hazardous Substance. Any waste or material which because of its quantity, concentration or physical chemical or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed. | 99 | |
| 48 | | 100 | |
| 49 | | 101 | |
| 50 | | 102 | Installation: The assembly or attachment, whether or not connected to a power source, of an outdoor luminaire affixed to the ground, a |
| 51 | | 103 | |
| 52 | | 104 | |
| | | 180 | |

VILLAGE OF SISTER BAY ZONING CODE

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|----|---|-----|--|
| 1 | building, a pole, or other supporting struc- | 53 | requirements of the district in which it is |
| 2 | ture or device. | 54 | located. |
| 3 | Jump Balcony. A horizontal platform affixed to | 55 | Legal Non-conforming Use. Any use of land, or |
| 4 | the exterior wall of a structure, which is | 56 | land and buildings in combination, lawfully |
| 5 | readily accessible from an upper story door | 57 | existing at the time of adoption of the |
| 6 | or window and which serves as a place | 58 | Zoning Ordinance, which does not comply |
| 7 | from which rescue can be achieved in the | 59 | with the use regulations for the district in |
| 8 | event of fire or similar hazard. | 60 | which it is located. |
| 9 | Junk or Salvage Yard. An area consisting of build- | 61 | Light Pollution: Light directed upward to the sky |
| 10 | ings, structures, or premises where junk, | 62 | or reflected from surfaces, interfering with |
| 11 | waste, and discarded or salvaged materials | 63 | astronomical observations or night sky ap- |
| 12 | are bought, sold, exchanged, stored, baled, | 64 | preciation. |
| 13 | packed, disassembled, or handled, includ- | 65 | Light Trespass: Unwanted light that falls beyond |
| 14 | ing automobile wrecking yards and house | 66 | the adjacent property line or the area in- |
| 15 | wrecking and structural steel materials and | 67 | tended to be illuminated. Light trespass |
| 16 | equipment yards, but not including the | 68 | falls into two categories: Unwanted light |
| 17 | purchase or storage of used furniture and | 69 | received in adjacent properties (high |
| 18 | household equipment or used cars in oper- | 70 | illuminance levels), and excessive bright- |
| 19 | able condition. | 71 | ness occurring in the normal field of vision |
| 20 | Kennel, Private. A place where no more than two | 72 | (nuisance glare). |
| 21 | dogs are housed for personal use. | 73 | Lighting Source: Lamp or manufactured device |
| 22 | Kennel. Any establishment wherein or whereon | 74 | emitting energy that is capable of exciting |
| 23 | eight or more dogs over the age of five | 75 | the retina and producing a visual sensa- |
| 24 | months are kept for breeding, sale, sporting | 76 | tion. Emitted energy falls within the elec- |
| 25 | purposes or where boarding care is provid- | 77 | tromagnetic spectrum having a length of |
| 26 | ed for compensation. All structures associ- | 78 | between 380 and 770 nanometers. Such |
| 27 | ated with kennels shall be a minimum of | 79 | devices include, but are not limited to in- |
| 28 | 100 feet from side and rear property lines. | 80 | candescent, fluorescent, LED, carbon arc, |
| 29 | L(v): Veiling luminance, expressed in cd/ft ² , is re- | 81 | quartz-iodine/tungsten halogen, low- |
| 30 | flected glare - the reflection of incident | 82 | pressure sodium, high-pressure sodium, |
| 31 | light that partially or totally obscures the | 83 | metal halide and mercury vapor lamps. |
| 32 | details to be seen on a surface due to con- | 84 | Lineal Building Front Foot. The length of the front |
| 33 | trast reduction. | 85 | wall of the building adjacent and parallel |
| 34 | Land Disturbance Use or Activity. Any land alter- | 86 | or closely parallel to any abutting street or |
| 35 | ations or disturbances which may result in | 87 | public right-of-way. |
| 36 | soil erosion, sedimentation and/or the in- | 88 | Living Area. The total area bounded by the exte- |
| 37 | crease in runoff, including but not limited | 89 | rior walls of a building at the floor levels, |
| 38 | to tilling, removal of ground cover, grad- | 90 | but not including basement, garages, |
| 39 | ing, excavating and filling of land, except | 91 | porches, breezeways, and unfinished at- |
| 40 | that the term shall not include such minor | 92 | tics. |
| 41 | land disturbing activities as home gardens. | 93 | Loading Area. A completely off-street space or |
| 42 | Additionally, this term does not include ag- | 94 | berth on the same lot as the principal use it |
| 43 | ricultural land uses. | 95 | serves for the loading or unloading of |
| 44 | Landscaping. Alteration of the natural terrain and | 96 | freight carriers, having adequate ingress |
| 45 | cover, including the planting of trees, | 97 | and egress to a public street or alley. |
| 46 | grass, shrubs and ground cover. | 98 | Loading Space. That portion of a lot or space ac- |
| 47 | Legal Non-conforming Structure. A building or | 99 | cessible from a street, alley or way, in or |
| 48 | structure lawfully existing at the time of | 100 | outside of a building, designed to serve the |
| 49 | adoption of the Zoning Ordinance which | 101 | purpose of loading or unloading for all |
| 50 | houses a use which is permitted in the dis- | 102 | types of vehicles. |
| 51 | trict, but does not comply with all the ap- | 103 | Lot Area, Gross. The total area within the lot lines |
| 52 | plicable area, height, yard, and/or parking | 104 | of a lot, including any street rights-of-way. |

VILLAGE OF SISTER BAY ZONING CODE

- 1 Lot Area, Net. The total area within the lot lines of
2 a lot, excluding any street rights-of-way.
- 3 Lot Coverage. That portion of the lot that is covered by buildings, structures, and paved surfaces. This is often expressed as a percentage of the lot. Lot coverage differs from floor area ratio in that only the ground floor of each building is used in making the calculation.
- 10 Lot Line, Front. The lot line nearest to the center-line of the public or private road from which the lot takes access. In the case of a double frontage lot, each lot line along the public or private road shall be considered a front lot line.
- 16 Lot Line, Rear. In the case of rectangular or mostly trapezoidal shaped lots, that lot line which is in general parallel to and most distance from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front lot line shall be considered the rear lot line.
- 25 Lot Line, Side. Any lot line other than a front or rear lot line.
- 27 Lot Line. A line dividing one lot from another or from a street or alley.
- 29 Lot of Record Any lot, the description of which is properly recorded with the county register of deeds, which at the time of its recordation complied with all applicable laws, ordinances and regulations.
- 34 Lot Width. The horizontal distance between side lot lines of a lot measured at right angles to its depth along a straight line and parallel to the front lot line, or its chord if on a curve. Lot widths may vary in width, especially on cul-de-sac lots and lots on curved streets, from the front of the lot to the back of the lot. A lot is not considered buildable unless the minimum lot width required for the district in which the lot is located is maintained at the front setback line and for a distance of 30 feet immediately behind the front setback line.
- 47 Lot, Corner. A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees. (See Illustration No. 11)
- 53 Lot, Double Frontage. A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. (See Illustration No. 11)
- 58 Lot, Interior. A lot abutting a single street and which is bounded by adjacent lots along its side and rear lot lines. (See Illustration No. 11)
- 62 Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.
- 66 Lumen: Unit of luminous flux – used to measure the actual amount of light produced by the lamp(s).
- 69 Luminaire: Lighting unit consisting of a lamp or lamps and ballast(s) when applicable, together with the parts designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the power supply, less the support assembly. Consider lighting assemblies that includes multiple unshielded or partially shielded lamps on a single pole or standard as a single unit.
- 79 Lux: Unit of illuminance equal to one- (1) lumen per square foot. One-(1) lux equals approximately 10 (10.8) foot-candles.
- 82 Machine Shops. Establishments where various types of materials are subjected to drilling, boring, turning, milling, grinding or EDMs to create a component or end product.
- 86 Major Recreational Equipment. Means and includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snowmobiles and snowmobile trailers and the like.
- 91 Management Zones. A zone or zones established to provide protection to the area surrounding a well or well field from potential contaminant sources. Management options may include limits on certain activities, more stringent design and operating standards, strict monitoring of potential pollution sources, promoting best management practices, and/or implementing education programs. Multiple protection zones may be established for different management strategies based on proximity to the well field.

VILLAGE OF SISTER BAY ZONING CODE

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| 1 | Manufactured Dwelling. Any structure or compo- | 54 | by a motor vehicle and equipped and |
| 2 | nent thereof which is intended for use as a | 55 | used, or intended to be used, primarily for |
| 3 | dwelling and (1) is of closed construction | 56 | human habitation, with walls of rigid un- |
| 4 | and fabricated or assembled on site or off | 57 | collapsible construction. A mobile home |
| 5 | site in manufacturing facilities for installa- | 58 | exceeding statutory size limits under sec- |
| 6 | tion, connection or assembly and installa- | 59 | tion 348.07(2) of the Wisconsin Statutes |
| 7 | tion on the building site; or (2) is a building | 60 | shall be considered a primary housing unit. |
| 8 | of open construction which is made or as- | 61 | A mobile home not exceeding the statutory |
| 9 | sembled in manufacturing facilities away | 62 | size under section 348.07(2) shall be con- |
| 10 | from the building site for installation, con- | 63 | sidered a touring or recreational vehicle. |
| 11 | nection, or assembly and installation on | 64 | [SOURCE: section 340.01(29), Wis. Stat.] |
| 12 | the building site and for which certification | 65 | Modification. A departure from the rules and reg- |
| 13 | is sought by the manufacturer pursuant to | 66 | ulations set forth in this chapter where a |
| 14 | the Wisconsin Uniform Dwelling Code. A | 67 | particular use is not required to meet the |
| 15 | single or double width manufactured (mo- | 68 | stated requirements of the chapter. Exam- |
| 16 | bile) home is not considered a manufac- | 69 | ples would include not requiring steeples |
| 17 | tured dwelling. | 70 | and antenna to comply with the stated |
| 18 | Manufactured Home. A structure transportable in | 71 | building height requirements for principal |
| 19 | one or more sections, which is built on a | 72 | buildings; or not requiring roof overhangs, |
| 20 | permanent chassis and is, designed to be | 73 | fences or accessory buildings to comply |
| 21 | used with or without a permanent founda- | 74 | with side or rear setback requirements for |
| 22 | tion when connected to required utilities. | 75 | principal buildings. The chapter may limit |
| 23 | A manufactured home may also be known | 76 | the amount of modification from the stated |
| 24 | as a mobile home. A recreational vehicle | 77 | requirements for given structures or uses. |
| 25 | or travel trailer is not a manufactured | 78 | Modular Unit. A factory fabricated transportable |
| 26 | home. | 79 | building unit designed to be used by it or |
| 27 | Manufactured/Mobile Home means the same as | 80 | to be incorporated with similar units at a |
| 28 | defined in Wisconsin Statutes § 101.91(2), | 81 | building site into a modular structure to be |
| 29 | (10). | 82 | used for residential, business or education- |
| 30 | Manufacturing. Activities involving the mechan- | 83 | al purposes. |
| 31 | ical or chemical transformation of materials | 84 | Motor Home. A vehicle designed to be operated |
| 32 | or substances into new products. | 85 | upon a highway or as a temporary or rec- |
| 33 | Marquee. A roof-like structure of a permanent | 86 | reational dwelling and having the same in- |
| 34 | nature, which projects from the wall of a | 87 | ternal characteristics and equipment as a |
| 35 | building and may overhang the street right- | 88 | mobile home. |
| 36 | of-way. A marquee may also be called a | 89 | Multi-Class or Multi-Use Lighting: Outdoor light- |
| 37 | canopy or an awning. | 90 | ing used for more than one purpose, such |
| 38 | Material Shipment Center. An establishment pri- | 91 | as security and decoration. |
| 39 | marily engaged in undertaking the trans- | 92 | Natural Feature. A geologic formation, vegetative |
| 40 | portation of goods from shippers to receiv- | 93 | area or other feature of the landscape, |
| 41 | ers for a charge covering the entire trans- | 94 | which is protected by this chapter or state |
| 42 | portation route, and in turn, making use of | 95 | statute. |
| 43 | services of other transportation establish- | 96 | Navigable Water. Lake Michigan, Green Bay and |
| 44 | ments. | 97 | all natural inland lakes within Wisconsin, |
| 45 | Mobile Home Park. A parcel of land which has | 98 | and all rivers, streams, ponds, sloughs, |
| 46 | been developed for the placement of mo- | 99 | flowages, and other waters within the terri- |
| 47 | bile homes and is owned by an individual, | 100 | torial limits of this state, including the Wis- |
| 48 | firm, trust, partnership, public or private | 101 | consin portion of boundary waters, which |
| 49 | association, or corporation. Individual lots | 102 | are navigable under the laws of this state. |
| 50 | within a mobile home park are rented to | 103 | Neighborhood Food Store. A retail establishment |
| 51 | individual mobile home users. | 104 | of at least 3,000 square feet in area, but |
| 52 | Mobile Home. A vehicle designed to be towed as | 105 | less than 25,000 square feet in area, where |
| 53 | a single unit or in sections upon a highway | | |

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| 1 | food products and related household prod- | 53 | surrounding the letters or symbols on the |
| 2 | ucts are sold. | 54 | sign that is either not lighted from within, |
| 3 | Non-conforming Lot. A lot, which does not con- | 55 | or it does not allow light from an internal |
| 4 | tain sufficient area and/or width to meet | 56 | source to shine through it. |
| 5 | the requirements of the zoning district in | 57 | Open Parking Facilities. Shall mean a parking fa- |
| 6 | which it is located. | 58 | cility without an overhead covering and |
| 7 | Non-conforming Uses or Structures. Any struc- | 59 | shall include the roof level of a multilevel |
| 8 | ture, land or water lawfully used, occupied | 60 | parking structure or ramp. |
| 9 | or erected before November 15, 1973 | 61 | Open Space. A permanently dedicated area of |
| 10 | which does not conform to the regulations | 62 | open, undeveloped land consisting of |
| 11 | of this chapter or amendments thereto. Any | 63 | open, undeveloped land consisting of |
| 12 | such structure conforming in respect to use | 64 | lawns, shrubs, trees or other natural vege- |
| 13 | but not in respect to frontage, width, | 65 | tation capable of absorbing storm water. |
| 14 | height, area, yard, parking, loading or dis- | 66 | Rain gardens, vegetated wet and dry deten- |
| 15 | tance requirements shall be considered a | 67 | tion basins and related vegetated drainage |
| 16 | non-conforming structure and not a non- | 68 | swales shall be considered open space. |
| 17 | conforming use. | | (Amended Ordinance 159-120809) |
| 18 | Non-Shielded or Non-Cutoff Lighting Fixtures. | 69 | Ordinary High-water Mark. The point on the bank |
| 19 | Shall mean all types of outdoor lighting fix- | 70 | or shore of a body of water up to which the |
| 20 | tures other than shielded or cutoff lighting | 71 | presence and action of surface water is so |
| 21 | fixtures and includes any lighting fixture | 72 | continuous as to leave a distinctive mark |
| 22 | that employs an adjustable bracket, | 73 | such as by erosion, destruction or preven- |
| 23 | refractorizing glassware or lenses, non- | 74 | tion of terrestrial vegetation, predominance |
| 24 | shielding lamp or light source and distrib- | 75 | of aquatic vegetation, or other easily rec- |
| 25 | utes light at any angle less than four de- | 76 | ognized characteristic. The ordinary high- |
| 26 | grees above horizontal. | 77 | water mark shall be established by a sur- |
| 27 | Non-Shielded or Non-Cutoff Luminaire: Outdoor | 78 | veyor. |
| 28 | luminaire, other than shielded or shutoff | 79 | Outdoor Canopy. Shall mean a freestanding roof |
| 29 | type, that employs an adjustable bracket, a | 80 | structure without side walls which may or |
| 30 | refractorizing glassware or lenses, a non- | 81 | may not be attached to the roof of an adja- |
| 31 | shielded lamp or light source, and distrib- | 82 | cent building and shall include but not be |
| 32 | utes light at any angle less than four de- | 83 | limited to canopies over gas stations or |
| 33 | grees above horizontal. | 84 | canopies at convenience stores. |
| 34 | Nuisance. Anything that interferes with the use or | 85 | Outdoor Light Output, Total: The maximum total |
| 35 | enjoyment of property, endangers personal | 86 | amount of light, measured in lumens, from |
| 36 | health or safety, or is offensive to the sens- | 87 | all outdoor luminaires. For lamp types that |
| 37 | es. | 88 | have their outputs vary with age (high- |
| 38 | Nursing Home. Any facility which provides 24 | 89 | pressure sodium, metal halide, fluores- |
| 39 | hour services, including room and board, | 90 | cent), use the initial output, as defined by |
| 40 | to three or more unrelated residents; who | 91 | the lamp manufacturer, for calculations. |
| 41 | because of their mental or physical condi- | 92 | Outdoor Lighting Fixtures. Shall mean lighting |
| 42 | tion require nursing care or personal care | 93 | sources, which are electrically powered il- |
| 43 | in excess of seven hours a week. | 94 | luminating devices, lighted or reflective |
| 44 | Obstruction to Flow. Any development, which | 95 | surface lamps and similar devices perma- |
| 45 | physically blocks the conveyance of | 96 | nently installed or portable used for illumi- |
| 46 | floodwaters such that this development by | 97 | nation or for advertisement. Such device |
| 47 | itself or in connection with any future simi- | 98 | shall include, but not be limited to search- |
| 48 | lar development will cause an increase in | 99 | lights, spotlights, floodlights, streetlights, |
| 49 | regional flood height. | 100 | sign lights, security lights, wall lights, and |
| 50 | Opaque: Material that does not transmit light | 101 | porch lights, area lights, parking lights and |
| 51 | from an internal illumination source. Ap- | 102 | sign panels. |
| 52 | plied to sign backgrounds, it is the area | 103 | Outdoor Luminaire: Lighting source which is an |
| | | 104 | electrically powered illuminating device, |
| | | 105 | lighted or reflective surface, lamp(s) and |
| | | 184 | |

VILLAGE OF SISTER BAY ZONING CODE

similar devices, permanently installed or portable used for illumination or for advertisement. Such devices include, but not limited to searchlights, spotlights, floodlights, streetlights, product display area lights, security lights, wall lights, porch lights, area lights, parking lot lights, and billboards and other signs.

Outdoor Merchandising. Shall mean car sales lots, equipment sales lot, retail gasoline stations, garden centers and other similar areas where products are permanently displayed or dispensed outdoors.

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. Parking lots includes rows of parking spaces, the aisles from which motor vehicles enter and leave the spaces. Ingress and egress drives from the parking lot to the public street are not part of the parking lot.

Parking Space. An all-weather area not in a street or alley right-of-way, exclusive of driveways, permanently reserved for the temporary storage of one motor vehicle, and connected with a street or alley by a driveway which provides ingress and egress for a motor vehicle without requiring another vehicle to be moved.

Pier. Means any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter, which is removed seasonally. Such a structure may include a boat hoist or boatlift, and the hoist or lift may be permanent or may be removed seasonally. The term "dock" shall also mean pier.

Pier - Pre-existing. Means a pier that has been placed in the riparian zone in the same general location and with the same general size and configuration during any of the three years prior to the enactment of this section is considered a pre-existing pier if it is not extended or expanded after the adoption of this section dated October 25, 2005. The seasonal removal of a pier does not affect its status as a permissible pre-existing pier if it is re-established in substantially the same form and same general location.

Performance Standard. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat, and lighting intensity or spill-over generated by or inherent in uses of land and buildings.

Person. Shall mean any individual, tenant, lessee, owner operator or any public, private, nonprofit or commercial entity including, but not limited to, a firm, business, partnership, joint venture, association, corporation, municipality, agency or governmental agency.

Personal service. Exclusively indoor uses of which their primary function is the provision of nonprofessional services directly to an individual on a walk-in or on-appointment basis. Examples include barbershops, beauty shops, tanning salons and the like.

Petroleum Product. Any fuels (gasoline, diesel fuel, kerosene and mixtures of these products), lubricating oils, motor oils, hydraulic fluids and other similar products.

Planned Residential Unit Development. A form of development characterized by a united site design for a number of housing units, clustering buildings and providing common open space, density increases and a mix of residential building types and residential uses, having a minimum size of ten acres.

Potable Water. Any water that is satisfactory for drinking, culinary and domestic purposes meeting current State and Federal drinking water standards.

Premises. A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Primary Containment. The first level of product tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

Primary Protection Zone. An area calculated as the zone of influence characteristic to each individual well supplying potable water to any community water system.

Principal Use. See "Use, Principal."

Professional Home Offices. Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists,

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| 1 | teachers, authors, musicians, or persons in | 52 | Residential Site: A single parcel in a residential |
| 2 | other recognized professions used to con- | 53 | zone containing a residential structure with |
| 3 | duct their professions where the office use | 54 | one or more dwelling units with parking |
| 4 | is incidental to the residential use of the | 55 | areas for one or more cars. |
| 5 | premises. | 56 | Restaurant - General means an eating-place, |
| 6 | Public Utility. Any utility (gas, water, sewer, elec- | 57 | whether a principal use or accessory use, |
| 7 | trical, telephone, cable television, etc.) | 58 | selling a full line of prepared food and |
| 8 | whether publicly owned or privately | 59 | drinks using non-disposable plates, glasses |
| 9 | owned. | 60 | and utensils for immediate consumption on |
| 10 | Public welfare is the protection from nuisances, | 61 | the site. The business provides tables and |
| 11 | economic interest, convenience, commu- | 62 | chairs, table service, and is available to |
| 12 | nity character and the vision expressed in | 63 | persons of all ages. The use shall not ex- |
| 13 | the Village's Smart Growth Plan. (Amend- | 64 | hibit the characteristics of a drive-in, for- |
| 14 | ed Ordinance 171-071310) | 65 | mula or fast food establishment. Customers |
| 15 | Publishing House. A facility where books, maga- | 66 | shall be provided with individual menus |
| 16 | zines, periodicals, maps, etc. are printed | 67 | while seated at a table or counter. Food |
| 17 | and issued. | 68 | sold for consumption off the premises shall |
| 18 | Rear Setback. A line established on a parcel of | 69 | be incidental to the primary use. Such food |
| 19 | land for the purpose of identifying the | 70 | shall be placed in covered containers or |
| 20 | nearest point a principal or accessory | 71 | wrappings, and all house-brand labeled |
| 21 | structure may be placed to a lot line or | 72 | food store goods such as vinegars, oils and |
| 22 | right-of-way line. The minimum required | 73 | salad dressings shall be prepackaged and |
| 23 | horizontal distance between the rear inter- | 74 | sealed. |
| 24 | nal lot line and a line parallel thereto | 75 | Restaurant - Drive-In means an eating place, |
| 25 | through the nearest foundation wall of the | 76 | whether a principal use or accessory use, |
| 26 | principal or accessory structure, excluding | 77 | which sells: (a) prepares food intended for |
| 27 | overhangs, uncovered steps and stoops, | 78 | consumption in vehicles that may or may |
| 28 | gutters and awnings. (See Illustration No. | 79 | not be parked on the site; or (b) provides |
| 29 | 12) | 80 | for the ordering of food while the custom- |
| 30 | Rear Yard. A regulated area on a developed par- | 81 | ers are seated in vehicles. |
| 31 | cel of land. The yard area bounded by the | 82 | Restaurant - Formula means an eating-place, |
| 32 | rear lot line, the side lot lines and the rear | 83 | whether a principal use or accessory use, |
| 33 | foundation wall of the principal structure, | 84 | that is one of a chain or group of three or |
| 34 | excluding overhangs, uncovered steps and | 85 | more establishments and which satisfies at |
| 35 | stoops, gutters and awnings. (See Illustration | 86 | least two of the following three descrip- |
| 36 | No. 13) | 87 | tions: |
| 37 | Recharge Area. An area in which water reaches | 88 | (1) It has the same or similar name, brand, |
| 38 | the zone of saturation by surface infiltration | 89 | trade name, or trademark as others in the |
| 39 | and encompasses all areas or features | 90 | chain or group; |
| 40 | that supply groundwater recharge to a | 91 | (2) It offers any of the following character- |
| 41 | well. | 92 | istics in a style which is distinctive to and |
| 42 | Recreational Vehicle. A vehicular, portable struc- | 93 | standardized among the chain or group: (a) |
| 43 | ture built on a chassis which can be self- | 94 | Exterior design or architecture; (b) Uni- |
| 44 | transported or by any motor vehicle and is | 95 | forms, except that a personal identification |
| 45 | designated to be used as a temporary | 96 | or simple logo will not render the clothing |
| 46 | dwelling for travel, recreation and vacation | 97 | a uniform; (c) Standardized menus, ingre- |
| 47 | use, which does not fall within the defini- | 98 | dients, food preparation or food presenta- |
| 48 | tion of a manufactured/mobile home. | 99 | tion format which causes it to be substan- |
| 49 | Regulatory Agency. Any governmental agency | 100 | tially identical to another restaurant regard- |
| 50 | with jurisdiction over hazardous waste as | 101 | less of ownership or location. |
| 51 | defined herein. | 102 | (3) It is a fast food restaurant. |
| | | 103 | Restaurant - Fast Food means an eating-place, |
| | | 104 | whether a principal use or accessory use, |
| | | 186 | |

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- 1 selling food to be consumed on or off the
2 site and (a) food is quickly made upon the
3 customer's or-der or pre-made and
4 wrapped before customers place orders,
5 and/or (b) food is served with disposable
6 tableware for on-site food consumption. A
7 Fast Food restaurant also exhibits two or
8 more of the following characteristics: food
9 is ordered from a wall menu at a service
10 counter; food consumed on the premises is
11 ordered while customers are standing;
12 payment is made by customers before food
13 is consumed; the service counter is closer
14 to an entry/exit than is the seating/dining
15 area; the business interior is brightly illu-
16 minated (greater than 8 candle foot power
17 as measured in a horizontal plane three
18 feet above the floor).
- 19 Restaurant - Take-Out means an eating place,
20 whether a principal use or accessory use,
21 selling ready-to- eat, prepared snack food
22 and full meals for immediate consumption
23 off the site while patrons are walking or
24 standing in the public right-of-way or are
25 seated in vehicles.
- 26 Restaurant - Drive-up Window means a window
27 opening to the outdoors designed to fur-
28 nish food or beverages to motorists.
- 29 Restaurant - Walk-up Window means a window
30 opening to the outdoors designed to fur-
31 nish food or beverages to pedestrians.
- 32 Restaurant - Drive-through means a paved area
33 serving as a queuing or staging area for
34 motorist to receive food that they have or-
35 dered.
- 36 Right-of-way. A strip of land acquired by a public
37 entity and intended to accommodate a
38 specific public purpose or use.
- 39 Riparian Zone. Means the area of water adjacent
40 to a parcel of riparian land within which
41 the riparian owner may place structures.
42 The riparian zone is bounded by the land
43 and the line of navigation. The side
44 boundaries of the riparian zone are to be
45 determined consistent with Wisconsin
46 Administrative Code Section NR 326.07.
- 47 Roadside Stand. A farm building used or intended
48 to be used solely by the owner or tenant of
49 the farm on which such building is located
50 for the sale of farm products raised on such
51 farm.
- 52 Rummage Sale. The occasional sale of personal
53 property at a residence conducted by one
54 or more families in a neighborhood. Rum-
55 mage sales are also known as "garage
56 sales." Flea markets, defined elsewhere in
57 this section, are not rummage sales.
- 58 Sanitary Landfill. A disposal site where solid
59 wastes, including putrescible wastes, or
60 hazardous wastes, are disposed of on land
61 by placing earth cover thereon.
- 62 Seat and Seating. Furniture upon which to sit hav-
63 ing a linear measurement not less than 24
64 inches across the surface used for sitting.
- 65 Secondary Containment. The level of product
66 tight containment external to and separate
67 from the primary containment. Secondary
68 containment shall consist of leak-proof
69 trays under containers, floor curbing or
70 other containment systems and shall be an
71 adequate state-approved size and design to
72 handle all spills, leaks, overflows, specific
73 design and election of materials shall be
74 sufficient to preclude any substance loss.
75 Containment systems shall be sheltered so
76 that the intrusion of precipitation is effec-
77 tively prevented.
- 78 Setback. The minimum required horizontal dis-
79 tance between an internal lot line or the
80 street right-of-way and the regulated struc-
81 ture or item. (See also front setback, side
82 setback, and rear setback)
- 83 Setbacks from a Street. The minimum horizontal
84 distance from the centerline of a street or
85 private road to the nearest part of a struc-
86 ture, measured at right angles to the center-
87 line or right-of-way line.
- 88 Shielded or Cutoff Lighting Fixtures. Shall mean
89 outdoor lighting fixtures that utilize flat,
90 clear lenses with no refractorizing elements
91 and which operate in a horizontal position
92 with nonadjustable elements, which oper-
93 ate in a horizontal position with nonad-
94 justable mounting hardware or brackets.
95 Such fixtures distribute light by means of
96 an internal reflector only. The light source
97 is totally concealed by fixture housing of
98 an internal reflector only. The light source
99 is totally concealed by the fixture housing
100 when the position of observation is at an
101 angle less than fifteen degrees above hori-
102 zontal. No light is permitted at an angle
103 less than four degrees above horizontal.

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1 Shopping Center. A group of business establish-
2 ments planned, constructed and managed
3 as a total entity with ample customer and
4 employee parking provided on-site, with
5 provision for goods delivery separated from
6 customer access, and with aesthetic con-
7 siderations and protection from the ele-
8 ments.

9 Shorelands. Those lands lying within the follow-
10 ing distances from the ordinary high-water
11 mark of navigable waters: 1,000 feet from
12 a lake, pond or flowage; and 300 feet from
13 a river or stream; or to the landward side of
14 the floodplain, whichever distance is
15 greater. Shorelands shall not include those
16 lands adjacent to farm drainage ditches
17 where (a) such lands are not adjacent to a
18 navigable stream or river; (b) those parts of
19 such drainage ditches adjacent to such
20 lands were non- navigable streams before
21 ditching or had no previous stream history;
22 and (c) such lands are maintained in non-
23 structural agricultural use. (See Illustration
24 No. 14)

25 Side Setback. A line established on a parcel of
26 land for the purpose of identifying the
27 nearest point a principal or accessory
28 structure may be placed to a lot line or
29 right-of-way line. The minimum required
30 horizontal distance between the side inter-
31 nal lot line and a line parallel thereto
32 through the nearest foundation wall of the
33 principal or accessory structure, excluding
34 overhangs, uncovered steps and stoops,
35 gutters and awnings. (See Illustration No.
36 15)

37 Side Yard. A regulated area on a developed par-
38 cel of land. The yard area bounded by the
39 side lot line, the side foundation wall of the
40 principal structure, excluding uncovered
41 steps and stoops, gutters and awnings, the
42 front yard and the rear yard. (See Illustra-
43 tion No. 16)

44 Sign Copy. The message or advertisement, and
45 any other symbols on the face of a sign.

46 Sign Face. The area or display surface used for the
47 message.

48 Sign, Abandoned. Any sign, which has been dis-
49 continued for a period of 12 consecutive
50 months, which sign, advertises or identifies
51 an activity that has been discontinued for
52 12 consecutive months, shall be consid-
53 ered abandoned.

54 Sign, Awning. A sign that is mounted or painted
55 on, or attached to an awning, canopy or
56 marquee. (See Illustration No. 66)

57 Sign, Bulletin. A sign which directs attention to
58 municipal, civic, educational, religious or
59 other nonprofit organizational buildings or
60 activities; that is located or to be located
61 upon the premises where the sign is locat-
62 ed or is located upon a premises other than
63 where the sign is located.

64 Sign, Directional. A sign that does not advertise,
65 but merely draws attention to a business or
66 development by indicating, no more than,
67 the direction and distance it is from the
68 sign.

69 Sign, Externally Illuminated: A sign illuminated by
70 light sources from the outside.

71 Sign, Ground. Any sign placed upon a pole or
72 other support independent of any other
73 structure, where the sign height does not
74 exceed 10 feet. (See Illustration No. 21)

75 Sign, Internally Illuminated: A sign illuminated by
76 light sources enclosed entirely within the
77 sign cabinet and not directly visible from
78 outside the sign.

79 Sign, Neon: A sign with luminous gas-filled tubes
80 formed into text, symbols, or decorative el-
81 ements and directly visible from outside
82 the sign cabinet.

83 Sign, Off Premise. A sign, which directs attention
84 to a business, commodity, service or enter-
85 tainment, conducted, sold or offered at a
86 location other than the premises on which
87 the sign is located.

88 Sign, Pole. A sign that is mounted on a freestand-
89 ing pole or other support so that the bot-
90 tom of the sign is 12 feet or more above
91 grade. (See Illustration No. 28)

92 Sign, Portable. A sign that is not permanently af-
93 fixed to a building, structure, or to the
94 ground. Such sign is sometimes mounted
95 on wheels to make it transportable. (See Il-
96 lustration No. 29)

97 Sign, Projecting. A sign that is wholly or partly
98 dependent upon a building for support and
99 which projects more than 12 inches from
100 such building. (See Illustration No. 30)

101 Sign, Roof. A sign that is mounted on the roof of a
102 building or which is wholly dependent up-
103 on a building for support and which pro-
104 jects above the point of a building with a

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| | | | |
|----|---|-----|---|
| 1 | flat roof, the eave line of a building with a | 54 | accessory structure, excluding overhang, |
| 2 | gambrel, gable, or hip roof, or the deck | 55 | uncovered steps and stoops, gutters and |
| 3 | line of a building with a mansard roof. (See | 56 | awnings. (See Illustration No. 39) |
| 4 | Illustration No. 33) | | |
| 5 | Sign, Wall. A sign fastened to or painted on the | 57 | Street Yard. A regulated area on a developed par- |
| 6 | wall of a building or structure in such a | 58 | cel of land. The yard area bounded by the |
| 7 | manner that the wall becomes the support- | 59 | second street right-of-way of a corner lot, |
| 8 | ing structure for, or forms the background | 60 | the front yard, the foundation wall of the |
| 9 | surface of the sign and which does not pro- | 61 | principal structure and the lot line opposite |
| 10 | ject more than 12 inches from such build- | 62 | the front lot line. (See Illustration No. 40) |
| 11 | ing or structure. (See Illustration No. 36) | | |
| 12 | Sign, Window. Wording or advertising that is ap- | 63 | Street, Private. A roadway created by an easement |
| 13 | plied or attached to the interior of a win- | 64 | for use only by the abutting property own- |
| 14 | dow or located in such manner within the | 65 | ers, which is not dedicated to the Village. |
| 15 | building that it can readily be seen from | | |
| 16 | the exterior of the building through a win- | 66 | Street. A public right-of-way not less than 50 feet |
| 17 | dow. (See Illustration No. 38) | 67 | wide providing primary vehicular access to |
| | | 68 | abutting properties. |
| 18 | Sign. Any medium, including sign face, words, | 69 | Strip Shopping Center. A complex of buildings |
| 19 | letters, figures, numerals, phrases, sentenc- | 70 | containing business development located |
| 20 | es, emblems, devices, designs, trade | 71 | on property along one or both sides of a |
| 21 | names, or trademarks by which anything is | 72 | street that is generally one lot in depth and |
| 22 | made known and which are used to adver- | 73 | is has multiple and relatively closely |
| 23 | tise or promote an individual, firm, asso- | 74 | spaced driveways, low open space and |
| 24 | ciation, corporation, profession, business, | 75 | landscaping ratios, and high floor area ra- |
| 25 | commodity, or product and which is visi- | 76 | tios. |
| 26 | ble from any public street or highway. | | |
| 27 | Spot Lamp: A specific lamp form designed to di- | 77 | Structural Alterations. Any change in the support- |
| 28 | rect its output in a specific direction (a | 78 | ing members of a structure, such as found- |
| 29 | beam) and with a clear or nearly clear | 79 | ations, bearing walls, columns, beams, or |
| 30 | glass envelope. Such lamps are so desig- | 80 | girders. |
| 31 | nated by the manufacturers and are typi- | 81 | Structure, Accessory. A structure or portion of a |
| 32 | cally used in residential outdoor area light- | 82 | structure used for a purpose customarily |
| 33 | ing. | 83 | incidental to a permitted principal use of a |
| | | 84 | lot and located on the same lot as the prin- |
| 34 | Story. That part of a building included between | 85 | cipal use. |
| 35 | the surface of a floor and the surface of the | | |
| 36 | floor next above it, or, if there is no floor | 86 | Structure, Permanent. A structure placed on or in |
| 37 | above it, then the space between the floor | 87 | the ground or attached to another structure |
| 38 | and the ceiling next above it. | 88 | in a fixed position, and intended to remain |
| | | 89 | in place for a period of more than nine |
| 39 | Stream Reach. A longitudinal segment of a stream | 90 | months. |
| 40 | generally including those flood lands | | |
| 41 | wherein flood stages are primarily and | 91 | Structure, Principal. The building or structure |
| 42 | commonly controlled by the same manu- | 92 | containing the primary use of a property. |
| 43 | factured or natural obstructions to flow. | | |
| 44 | (See Illustration No. 7) | 93 | Structure, Temporary. A structure placed on or in |
| | | 94 | the ground or attached to another structure |
| 45 | Street Setback. A line established on a parcel of | 95 | in a fixed position and intended to remain |
| 46 | land for the purpose of identifying the | 96 | in place for a period not to exceed nine |
| 47 | nearest point a principal or accessory | 97 | months. |
| 48 | structure may be placed to a lot line or | | |
| 49 | right-of-way line. The minimum required | 98 | Structure. Anything erected or constructed, such |
| 50 | horizontal distance between the right-of- | 99 | as buildings, prefabricated or pre-built |
| 51 | way line of the second street of a corner lot | 100 | buildings, towers, masts, poles, booms, |
| 52 | and a line parallel thereto through the | 101 | signs and carports. Appurtenances con- |
| 53 | nearest foundation wall of the principal or | 102 | structured at or below grade such as patios, |
| | | 103 | driveways, or sidewalks are not considered |
| | | 104 | to be structures. |

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- 1 Subordinate. Means all components of the facility, in total occupy less street frontage than the primary commercial or public institutional building. (*Amended Ordinance 217-081313*)
- 6 Sustained Yield Forestry. Management of forested lands to provide annual or periodic crops of forest products.
- 9 Swimming Pool. An outdoor structure containing a body of water in a receptacle or other container having a depth for water of 18 inches or more with a minimum surface of 48 square feet, located above or below the surface of ground elevation and includes all structural facilities, appliances, appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a pool.
- 19 Temporary Lighting: Non-conforming lighting, not used from more than one 30 day period within a calendar year, with one 30 day extension. Temporary lighting is intended for uses, which by their nature are of limited duration. For example: Holiday decorations, civic events or construction projects.
- 27 Temporary. A period defined as no more than 45 days in a calendar year unless a shorter period is specified in the section.
- 30 Tower. A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.
- 35 Translucent. The permitting of light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.
- 39 Truck Sales and Service. See "Commercial Vehicle Sales and Service."
- 41 Turning Lane. An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.
- 46 Uniformity Ratio: Ratio between the average illumination and the minimum illumination as determined by measurements taken on a four-foot grid throughout the lighted area.
- 50 Unnecessary Hardship. The circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this chapter.
- 59 Use, Abandonment of: The relinquishment of a property, or the cessation of a use or activity by the Owner or Tenant for a period of twelve months, excluding temporary, short-term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions constituting the principle use of the property.
- 70 Use, Accessory. A use customarily incidental to the principal use and on the same lot as the principal use. In buildings, customary family occupations and workshops not conducted for compensation shall be deemed accessory uses.
- 76 Use, Conditional. A use, which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use.
- 80 Use, Principal. The main use of land, or land and buildings in combination, as distinguished from a secondary or accessory building, including, but not limited to, a house in a residential district, a store in a business district, or crops or farm buildings in an agricultural district. Within the zoning districts in this chapter, the principal use is also referred to as the "permitted use."
- 89 Use. The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
- 93 Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, municipal warehouses, municipal shops, and municipal storage yards.

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- 1 Variance. An authorization granted by the Zoning
2 Board of Appeals to construct or alter a
3 building or structure in a manner that devi-
4 ates from the dimensional standards of this
5 chapter. A variance may not permit the use
6 of a property that is otherwise prohibited
7 by this chapter or allow floodland con-
8 struction that is not protected to the flood
9 protection elevation.
- 10 Vision Clearance Triangle. A triangular shaped
11 portion of land established at street inter-
12 sections in which nothing is erected,
13 placed, planted, or allowed to grow in
14 such a manner as to limit or obstruct the
15 sight distance of motorists entering or leav-
16 ing the intersection. (See Illustration No. 1
17 and 2)
- 18 Well. Any excavation that is drilled, cored, bored,
19 washed, driven, dug, jetted, or otherwise
20 constructed when the intended use of such
21 excavation is to conduct groundwater from
22 an aquifer system to the surface by pump-
23 ing or natural flow, or to monitor the char-
24 acteristics of groundwater within an aquifer
25 system.
- 26 Wellhead Protection area. The surface or subsur-
27 face area surrounding a water well or well
28 field, supplying a public water system, an
29 area through which contaminants are rea-
30 sonably likely to move toward and reach
31 such water well or well field.
- 32 Wellhead. The upper terminal of a well, including
33 adapters, ports, seals, valves, and other at-
34 tachments.
- 35 Wetland. An area where water is at, near, or
36 above the land surface long enough to be
37 capable of supporting aquatic or
38 hydrophytic vegetation and which has soils
39 indicative of wet conditions.
- 40 Wireless Telecommunication Services. Licensed
41 wireless telecommunication services in-
42 cluding, but not necessarily limited to, cel-
43 lular, personal communication services
44 (PCS), specialized mobilized radio (SMR),
45 enhanced specialized mobilized radio
46 (ESMR), paging and similar services that
47 are marketed to the general public.
- 48 Wireless Telecommunication Site. A facility oper-
49 ated by a licensed wireless telecommuni-
50 cation service provider, which consists of
51 the equipment and structures involved in
52 receiving or transmitting electromagnetic
- 53 waves associated with wireless telecom-
54 munication services.
- 55 Woodland. An area of wooded land at least one
56 acre in size and containing deciduous or
57 coniferous trees; that, at least 50 percent of
58 which are either 20 feet or more in height
59 or have a trunk diameter, six inches above
60 the ground, of at least four inches.
- 61 Yard, Corner Side. Means a side yard, which fac-
62 es a public or private street.
- 63 Yard, Front. A yard extending the full width of the
64 lot on which a building is located and situ-
65 ated between the front lot line and a line
66 parallel thereto and passing through the
67 nearest point of the building.
- 68 Yard, Interior Side. A side yard located immedi-
69 ately adjacent to another lot or to an alley
70 separating such side yard from another lot.
- 71 Yard, Rear. A yard extending the full width of the
72 lot on which a building is located and situ-
73 ated between the rear lot line and a line
74 parallel thereto and passing through the
75 nearest point of the building.
- 76 Yard, Side. A yard on the same lot as a building
77 situated between the side lot line and a
78 line parallel thereto, passing through the
79 nearest point of a building and extending
80 from the front yard to the rear.
- 81 Yard. An open space on the same lot with a struc-
82 ture, unoccupied and unobstructed from
83 the ground upward except the vegetation.
84 Front yards and rear yards extend the full
85 width of the lot. (Also, see "Front Yard,"
86 "Rear Yard," "Side Yard," and "Setback")
- 87 Zone of Contribution. The land area over which
88 water can infiltrate and move toward the
89 well.
- 90 Zone of Influence. The land area above the cone
91 of depression that results after thirty days of
92 continuous pumping of a well.
- 93 Zoning Map. The map showing the location and
94 boundaries of the zoning districts estab-
95 lished by this chapter.
- 96
97
98

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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.4200 ILLUSTRATIONS

SEC. 66.4200 ILLUSTRATIONS

SECTION 4000 – ARCHITECTURAL GUIDE








1 Sec. 66.4200 Illustrations

| Sister Bay Commercial Architectural Style Guide | | |
|--|---|---|
| In general, the architectural style would be categorized as “Turn of the Century” with Scandinavian, Swedish and German themes. See Section 66.1050 for the detailed requirements. | | |
| Windows: Grilled |  <p>Figure 1</p> |  <p>Figure 2</p> |
| Doors: Double entrance Recessed entrance |  <p>Figure 3</p> | |
| Exterior Colors: Contrasting trim |  <p>Figure 4</p> |  <p>Figure 5</p> |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.4200 ILLUSTRATIONS

SEC. 66.4200 ILLUSTRATIONS

| | | |
|--|--|---|
| <p>Trim and Moldings: Decorative Detailed</p> |  <p>Figure 6</p> |  <p>Figure 7</p> |
| |  <p>Figure 8</p> | |
| <p>Shutters:</p> |  <p>Figure 9</p> |  <p>Figure 10</p> |
| <p>Siding: Stone Cedar shakes Cedar siding Cement board Hardy plank</p> |  <p>Figure 11</p> |  <p>Figure 12</p> |

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.4200 ILLUSTRATIONS

SEC. 66.4200 ILLUSTRATIONS



Figure 13



Figure 14

Landscaping:
No bare lawn
Benches, patios
Shrubs, trees
Flowers



Figure 15



Figure 16

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.4200 ILLUSTRATIONS

SEC. 66.4200 ILLUSTRATIONS

Corner Lot
Buildings:
Cut-outs



Figure 17

Other amenities:
Flower boxes below windows
Porches
Verandas
Windows walk
Enclosed porch
Balconies
Awnings



Figure 18



Figure 19



Figure 20



Figure 21

VILLAGE OF SISTER BAY ZONING CODE

MAP TEXT AND ADMENDMENTS

MAP TEXT AND AMENDMENTS

SECTION 4200 – SANDWICH BOARD GUIDE

1 Sec. 66.4200 Illustrations

Examples of Unacceptable Designs

Unacceptable Designs:

Figures 1 through 5 represent examples of sandwich board signs that the Plan Commission has deemed unacceptable. The reasons include plain letters on a completely white background sign-board, unchanging messages and lack of character.



Figure 22



Figure 2



Figure 3



Figure 4



Figure 5

VILLAGE OF SISTER BAY ZONING CODE

MAP TEXT AND ADMENDMENTS

MAP TEXT AND AMENDMENTS

Examples of Acceptable Designs

Acceptable Designs:

Figures 6 through 16 represent examples of sandwich boards that the Plan Commission feels are acceptable. The shape of each board is unique or different enough to create an eye-catching message. Even though some of the figures do not contain changeable messages they are included because of the shape of the board, the colors and fonts used to create visual appeal.



Figure 6



Figure 7



Figure 8



Figure 9



Figure 10

VILLAGE OF SISTER BAY ZONING CODE

MAP TEXT AND ADMENDMENTS

MAP TEXT AND AMENDMENTS

Examples of Acceptable Designs



Figure 11



Figure 12



Figure 13



Figure 14



Figure 15



Figure 16

VILLAGE OF SISTER BAY ZONING CODE

MAP TEXT AND ADMENDMENTS

MAP TEXT AND AMENDMENTS

SECTION 4300 - APPENDIX OF ZONING ILLUSTRATIONS

1 **Sec. 66.4300 Illustrations**

2

3 Illustration #1

4

5